



**Data Privacy and Integrity Advisory Committee
Public Meeting
January 30, 2014**

Committee members participating (*indicates remote participant):

Lisa Sotto, Chair

Jim Adler

Craig Bennett

Allen Brandt

James Byrne

Renard Francois

*Melodi Gates

*Joanna L. Grama

Jeewon Kim

Linda Koontz

Greg Nojeim

Charles Palmer

Julie Park

Christopher Pierson

Russell Schrader

*Barry Steinhardt

Marjorie Weinberger

*Richard Wichmann

DHS Presenters:

Shannon Ballard, Designated Federal Official, Data Privacy and Integrity Advisory Committee

Kellie Cosgrove Riley, Senior Director for Privacy Policy & Advocacy, Privacy Office, DHS

Rebecca Richards, Senior Director of Compliance, Privacy Office, DHS

Data Privacy and Integrity Advisory Committee (DPIAC) Chair Lisa Sotto called the meeting to order at 2:10 pm.

Opening Statement

Shannon Ballard, Designated Federal Official for the DPIAC, opened the meeting with announcements in the absence of DHS Chief Privacy Officer Karen Neuman, who was not able to attend the meeting due to illness. Members Annie Anton, Renard Francois, and David Hoffman, whose appointments to the committee were expiring, were recognized for their service and contributions to the Department. CPO Neuman selected Joanna Grama to chair the DPIAC Technology Subcommittee given her past contributions to the DPIAC and her willingness to put in the hard work.

DHS Privacy Office Update

Kellie Cosgrove Riley, the DHS Privacy Office Senior Director for Privacy Policy and Advocacy, delivered CPO Neuman's prepared remarks on activities of the office since the DPIAC's last public meeting in September 2013. The DPIAC meeting was hosted in person and via a live video feed on the Homeland Security Information Network to increase participation from DPIAC members and the public. Ms. Riley announced that Rebecca Richards, DHS Privacy Office Senior Director of Compliance, would soon depart to become the first Civil Liberties and Privacy Officer at the National Security Agency (NSA). Additional changes to the Privacy Office staff included a reorganization of the FOIA division to better align staff expertise and resources with the FOIA mission and the Privacy Office strategic plan.

Outreach

Ms. Riley discussed Privacy Office outreach to relevant stakeholders, including the Privacy and Civil Liberties Oversight Board (PCLOB), Congressional Subcommittees, and the privacy advocacy community, to discuss CPO priorities for the office and to provide greater transparency into office activities.

International

In connection with the U.S. – Canada *Beyond the Border* joint declaration, Ms. Riley updated the Committee on actions the Privacy Office took to imbed privacy protections into the initiative's Biographic Information Sharing Implementing Arrangement and Entry/Exit program. The Privacy Office continues to participate in negotiations with the EU for a U.S. – EU umbrella agreement that would provide a framework for facilitating the exchange of law enforcement information and support the implementation of privacy best practices within the activities of the Five Country Conference.

Compliance

Ms. Riley highlighted several high profile compliance undertakings, including those to implement the DHS Data Framework, use of aircraft systems, and Immigration and Customs Enforcement initiatives.

FOIA

Two reports were in draft at the time of the meeting: the 2013 Annual Report to the Attorney General of the United States¹ (which provides a summary of component-specific data on FOIA requests) and the Report to the Attorney General of the United States (which discusses actions taken by the Department to apply the Administration's presumption of openness). From the 2013 Annual Report, it was noted that DHS continues to receive the largest number of FOIA requests of any federal agency, receiving almost 30 percent of all requests submitted to the entire federal government.

Oversight

Privacy Compliance Reviews (PCRs) are designed to assess highly privacy-sensitive programs' compliance with existing PIAs and SORNs. Two PCRs were initiated, including for CBP's Analytical Framework for Intelligence and the National Operations Center's Media Monitoring Capability. Both PCRs are expected to be complete in Spring 2014. When asked about what instigates a PCR, Ms. Riley noted that some are required based on language written into a PIA and others are launched by the Privacy Office to assess unforeseen privacy risks from the use of new technologies. The Annual Data Mining Report to Congress² was also in draft at the time of the meeting.

DHS Data Framework

Rebecca Richards, DHS Privacy Office Senior Director for Privacy Compliance, began her presentation on the DHS Data Framework by putting into context the DHS mission and current challenges faced due to different legal authorities for collection, other policy requirements, and

¹ Now posted at http://www.dhs.gov/sites/default/files/publications/privacy-foia-annual-report-fy-2013-dhs_1.pdf

² Now posted at <http://www.dhs.gov/sites/default/files/publications/dhs-privacy-2013-dhs-data-mining-report.pdf>

the multiple domains and formats attached to each data set. Despite the DPIAC's 2011 Recommendations for a Federated Information-Sharing System³, Ms. Richards discussed the long-term operational impact that a disassociated system would have and how the department hoped to optimize the DHS enterprise through access controls, auditing, analytical precision, and speed. Existing pilots are guided by principles to demonstrate the ability to control and safeguard DHS information while supporting DHS operational needs.

Three pilots⁴ were discussed during the presentation:

1. Neptune – data is “tagged” and shared with CEI Prototype and Cerberus Pilot.
2. CEI Prototype – a subset of Neptune tagged data received and correlated across component data sets for identity resolution.
3. Cerberus – Neptune tagged data received and tests ability to ensure that only users with certain attributes can access data based on defined purposes.

Ms. Richards provided an overview on access controls wherein a user would have to meet function and purpose criteria before gaining access to specific data sets. Before the pilots can move to operational status, there needs to be a clearly defined leadership and governance structure; improved transparency to the public; a clear process for access and redress; a process for auditing; and robust user training. Ms. Richards noted that the Privacy Office was fully engaged with senior decision makers and operational components to mitigate privacy risks.

Ms. Richards stressed that the DHS Data Framework was in an iterative process as the pilots reveal that the privacy and oversight protocols are working while meeting the department's mission needs. DPIAC members posed several questions regarding copying of data, providing notice to data subjects, mathematical correlation and an increase in false negatives, auditing, access controls, and data retention.

Committee Tasking - Transparency & Oversight of Big Data

Ms. Richards discussed a new task for the DPIAC to research and provide written guidance about privacy best practices for notice and transparency related to DHS use of Big Data, including information sharing with other agencies and the use of audit mechanisms in the oversight process. Specifically, the Privacy Office sought recommendations as to whether and how to increase transparency and what additional oversight mechanisms should be implemented as the pilots move to operational programs.

Public Comments and Close of Meeting

Chairman Sotto then provided an opportunity for members of the audience to address the Committee. As there were no further public comments, Chairman Sotto adjourned the meeting at 4:00 pm.

The DHS Data Privacy and Integrity Advisory Committee provides advice at the request of the Secretary of DHS and the Chief Privacy Officer of DHS on programmatic, policy, operational,

³ http://www.dhs.gov/xlibrary/assets/privacy/privacy_dpiac_report_2011_01.pdf

⁴ The PIAs and SORN for these programs can be found at <http://www.dhs.gov/privacy-documents-department-wide-programs>



administrative, and technological issues within DSH that relate to personally identifiable information (PII), as well as data integrity and other privacy-related matters. Materials presented to the Committee, including all Committee reports and recommendations, meeting summaries, and transcripts where available, are posted on the Committee's web page on the DHS Privacy Office website, <http://www.dhs.gov/privacy-office-dhs-data-privacy-and-integrity-advisory-committee>.