

**DHS Data Privacy and Integrity Advisory Committee (DPIAC)
Summary of the February 26, 2009, Public Meeting
Washington, DC**

Committee members in attendance:

Chairman Howard Beales	James W. Harper
Vice Chairman Lisa J. Sotto	Kirk Herath
Ana Anton	David A. Hoffman
Ramon Barquin	Lance Hoffman
Thomas M. Boyd	Joanne McNabb
Daniel W. Caprio, Jr.	Richard V. Purcell
Renard Francois	John Sabo
D. Reed Freeman, Jr.	

Also in attendance:

John W. Kropf, Acting Chief Privacy Officer and Sponsor
Martha K. Landesberg, Executive Director and Designated Federal Official

Chairman Howard Beales called the meeting to order at 9:00 a.m.

DHS Privacy Office Update

John W. Kropf, Acting Chief Privacy Officer, Department of Homeland Security

Mr. Kropf provided an update on the activities of the Privacy Office since the Committee last met, including accomplishments of the Compliance, Policy, Privacy Technology and Intelligence, Freedom of Information Act, International Privacy Policy, and Privacy Incidents and Inquiries teams. Highlights are included below:

Compliance Team:

- Completed the Legacy System of Records (SORN) Project after 14 months' effort. Final statistics:
 - 213 legacy SORNS reviewed
 - 89 documents published (retirement notices or SORNs)
 - Department's complete inventory now includes 130 SORNs
- Established timetable for the biennial SORN review.
 - All SORNs that were not reviewed in the Legacy SORN Project will be reviewed before September 2009.
 - Plan to schedule all SORNs for review every two years beginning in September 2009

Policy Team:

- Issued two Privacy Policy Guidance Memoranda in December 2008
 - The Fair Information Practice Principles as core DHS privacy framework (Memorandum No. 2008-01)
 - Standards for conducting Privacy Impact Assessments for DHS technology, programs, and information collection (Memorandum No. 2008-02)
- Senior staff will conduct outreach at the National Fusion Center Conference in March and will staff a panel and a Learning Lab booth with the Office of Civil Rights and Civil Liberties.

Privacy, Technology, and Intelligence Team:

- Working with DHS CIO to develop its approach to privacy compliance for service-oriented architecture. The Privacy Office looks forward to benefiting from the Committee's guidance in this area.
- Working with DHS Science and Technology Directorate (S&T) to develop a plan for implementing the Privacy Principles for S&T Research announced in the DHS 2008 Data Mining Report.
- Taking a leadership role on biometrics, in the DHS Biometrics Coordinating Group and the White House National Science & Technology Council's (NSTC) Subcommittee on Biometrics and Identity Management.

FOIA Team:

- Issued the 2008 DHS FOIA Annual Report to the Attorney General, the first DHS report implementing the OPEN Government Act of 2007.
- Hired three additional FOIA Specialists to further reduce the backlog of FOIA requests.

Privacy Incidents and Inquiries Team:

- The new Director of Privacy Incidents and Inquiries met with Privacy Officers of the Transportation Security Administration (TSA), US Coast Guard, S&T, the DHS Office of Inspector General, staff of the DHS-TRIP Program, and the DHS Security Operations Center (SOC) to foster collaboration on complaints and incident response.

International Privacy Policy Team:

- Issued an Interim Report on the EU Approach to the Commercial Collection of Personal Data for Security Purposes, with focus on the hotel industry.

Update on DHS Privacy Office International Activities

Shannon Ballard, Associate Director, International Privacy Policy, DHS Privacy Office

Lauren Saadat, Associate Director, International Privacy Policy, DHS Privacy Office

Ms. Ballard provided an overview of the International Privacy Policy Team's (IPP) activities. The Team works both within DHS and internationally to promote international cooperation and understanding of privacy issues relevant to the Department's mission and operations. Activities include developing DHS-wide guidance on international information-sharing agreements; interpreting international data protection frameworks; providing educational outreach and leadership on a wide range of privacy issues, both bilaterally and in multilateral fora such as the OECD and APEC; and conducting exchange programs with international privacy officials.

Ms. Saadat discussed recent IPP initiatives, including participation in the U.S Technical Advisory Group of the International Standards Organization (ISO), the OECD's Working Party on Information Security and Privacy, and the EU's High Level Contact Group, where issues of redress and reciprocity are currently being discussed. Ms. Saadat and Ms. Ballard invited discussion from the Committee and provided answers to members' questions.

Update on DHS FOIA Implementation

William Holzerland, Associate Director, Disclosure Policy and FOIA Program Development
DHS Privacy Office

Mr. Holzerland described the FOIA Team's work in setting DHS-wide FOIA policy and overseeing FOIA implementation in the Department, and provided a history of legislative and administrative developments affecting FOIA implementation, including President Obama's January 2009 memorandum to heads of federal agencies on Transparency and Open Government. Mr. Holzerland discussed the operations of the DHS components' FOIA requester service centers and the reporting structure for DHS component FOIA officers. As the Department's public FOIA liaison, Mr. Holzerland serves as the supervisory official to whom FOIA requesters can appeal, should they encounter customer service challenges.

Mr. Holzerland noted that the president's January memorandum represents a policy shift in favor of disclosure as the default in response to FOIA requests. The FOIA team looks forward to the Attorney General's guidance on how to implement this new policy. Mr. Holzerland concluded with a discussion of the steps necessary to respond to a FOIA request and the application of FOIA exemptions. Mr. Holzerland invited discussion from the Committee and provided answers to members' questions.

Update on DHS Traveler Redress Inquiry Program (DHS-TRIP)

James Kennedy, Director, Office of Transportation Security Redress, DHS Transportation Security Administration (TSA)

In keeping with its ongoing interest in DHS redress programs, the Committee heard a presentation by James Kennedy, who heads the DHS Traveler Redress Inquiry Program (DHS-TRIP) and serves as head of the DHS Office of Appeals and Redress. DHS-TRIP provides travelers a process for resolving complaints related to traveler screening. The TRIP program office is responsible for managing this process, including complaint intake, inquiry review and determination, and providing responses to complainants. DHS-TRIP provides information about the program and how to file a complaint to the public in many ways: in hard copy form at border crossings and at airports; electronically through the relevant DHS components' websites; and through the TSA contact center by email or telephone.

Mr. Kennedy described the complaint filing process and the steps taken by program staff to address and resolve complaints. Since DHS-TRIP was launched, 51,000 individuals have applied for redress, and DHS-TRIP has adjudicated and closed over 30,000 redress requests. Roughly 16,000 requests are open, pending the receipt of additional information from complainants, and an additional 5,000 requests are currently under review. DHS-TRIP is currently updating its case management system to reduce the potential for mistakes and to reduce complaint processing times. Mr. Kennedy invited discussion from the Committee and provided answers to members' questions.

Subcommittee Reports

Subcommittee on Data Integrity and Information Protection: Co-Chair Ramon Barquin reported that the Subcommittee is moving forward on a six-point plan to provide guidance on DHS service-oriented architecture.

Subcommittee on Data Acquisition and Use: Co-Chair David Hoffman reported that the Subcommittee is preparing recommendations on how to implement privacy protections in DHS information sharing and access agreements. Preliminary recommendations under consideration include an information-sharing threshold analysis process, a template information sharing agreement, guidance on communication among affected DHS components, a process for monitoring and auditing compliance with agreements, establishment of an internal review board to oversee these agreements, and privacy training for DHS staff involved in the information sharing. The Subcommittee intends to present a final draft set of recommendations for deliberation by the full Committee at the next public meeting.

Subcommittee on Privacy Architecture: Co-Chair James Harper reported that the Subcommittee has been considering potential issues on which it would like to report, including enhanced driver's licenses and ISO privacy standards.

Public Comments and Questions to the Committee

Chairman Beales opened the floor for public comments. Mr. Jeremy Epstein, of SRI International, engaged the Committee in a colloquy about the ubiquity of personal information in public fora such as social networks and the effects of that ubiquity on government's ability to authenticate individuals who submit FOIA requests. There being no other comments from the public, Chairman Beales adjourned the meeting at 3:00pm.

The DHS Data Privacy and Integrity Advisory Committee provides advice at the request of the Secretary of DHS and the Chief Privacy Officer of DHS on programmatic, policy, operational, administrative, and technological issues within the DHS that relate to personally identifiable information (PII), as well as data integrity and other privacy-related matters. Materials presented to the Committee, including all Committee reports and recommendations, and meeting summaries and transcripts, are available to the public on the Committee's web page on the DHS Privacy Office website, www.dhs.gov/privacy.