


## IC ON THE RECORD

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### **SIGNALS INTELLIGENCE REFORM**

### **2016 PROGRESS REPORT**

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- LIMITING SIGINT COLLECTION AND USE
- ENHANCING TRANSPARENCY

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## **INTRODUCTION**

Last year, one year after the President signed [Presidential Policy Directive-28](#), Signals Intelligence Activities (PPD-28), the Office of the Director of National Intelligence [issued a public report](#) on the Intelligence Community's changes to signals intelligence (SIGINT) activities.

The 2015 report detailed the significant progress the U.S. Government made in strengthening privacy and civil liberty protections, increasing transparency, and setting new limits on signals intelligence collection and use. That work has continued over the past year and the Office of the Director of National Intelligence is now reporting on the Intelligence Community's continued progress in implementing the requirements of PPD-28 as well as other transparency efforts discussed in the previous report.

This past year, the Intelligence Community continued to strengthen privacy protections of personal information, to enhance and institutionalize transparency, to declassify and release more information to the general public, to encourage dialogue with the American people and our foreign partners on our collection activities and transparency efforts, and to work with Congress to secure the passage of the USA FREEDOM Act. The impact and results of these efforts are described in this report.

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## **PRIVACY PROTECTIONS**

### **PPD-28 Policies and Procedures**

In last year's report, we emphasized our commitment to strengthen privacy protections of personal information for all people, regardless of nationality. In the 2015 report, the Director of National Intelligence reported that, as required by PPD-28, all Intelligence Community elements reviewed and updated their existing policies and procedures, or issued new policies or procedures, to enhance safeguards for personal information collected through SIGINT, regardless of nationality and consistent with national security, technical capabilities, and operational needs. **These policies were released publicly.**

In addition to the policies and procedures, Intelligence Community elements have taken steps to sensitize their personnel to the requirements of PPD-28 by creating new or modifying existing training and, where appropriate, internal policies. For example, NSA created and implemented supplemental procedures, conducted a series of information sessions, promoted awareness to its workforce by including PPD-28 discussions in NSA events, and developed internal online training specifically related to PPD-28. By the end of 2015, all NSA analysts with access to unreviewed and unevaluated SIGINT were obligated to review and acknowledge the supplemental procedures incorporating PPD-28 into NSA policy or lose access to the data. Similarly, the FBI and CIA also developed internal guidelines and have taken steps to update various training mechanisms to incorporate PPD-28 principles and requirements. Further, the Deputy Directorate for Intelligence Integration in the Office of the Director of National Intelligence has established an Intelligence Community-wide training program that describes the governing principles for SIGINT activities as articulated in PPD-28.

Several agencies also created or modified existing oversight mechanisms to enable reporting incidents of non-compliance with PPD-28. PPD-28 requires that significant compliance incidents involving the personal information of any person collected from SIGINT be reported promptly to the Director of National Intelligence. To that end, the Office of the Director of National Intelligence is drafting and coordinating an Intelligence Community Standard (ICS) outlining the steps for agencies to report these matters in a timely and efficient manner.

### **Enhanced Protections Established by Legislation**

In our 2015 report, the Intelligence Community encouraged Congress to pass legislation that would end bulk collection of telephone metadata under Title V of the Foreign Intelligence Surveillance Act (FISA) while ensuring that the Government has access to the information it needs to protect national security.

## ENHANCING AND INSTITUTIONALIZING TRANSPARENCY

The Intelligence Community continues to recognize that public trust and support of its activities can only be achieved with greater transparency. To that end, since the last report, the Intelligence Community has worked to institutionalize our transparency efforts and has declassified and publicly released additional documents, engaged with civil liberties and privacy advocates, and participated in numerous public events.

### Public Release of Previously Classified Information

Last year, the Office of the Director of National Intelligence's report discussed the development of IC on the Record. IC on the Record, and the accompanying Twitter account, provide direct access to factual unclassified or declassified information related to lawful surveillance activities of the U.S. Intelligence Community. In addition to comprehensive explanations of the authorities under which the Intelligence Community conducts foreign intelligence surveillance, the site addresses appropriate use and dissemination of collected data, oversight and compliance. Since its launch in August 2013, IC on the Record has provided a central hub for Intelligence Community-related official statements, declassified documents, congressional testimony, transparency reporting and multimedia content, making these materials more readily available and broadly accessible than ever before. To date, the IC has released on [IC on the Record](#) approximately 350 documents consisting of more than 6500 pages.

Examples of some recent postings include:

- The Office of the Director of National Intelligence's concurrence with the Department of State revocation of Anwar al-Aulaqi's American passport
- The Office of the Director of National Intelligence's Freedom of Information Act release of emails and correspondence pertaining to the overall situation in and around Benghazi, Libya
- The public release of the "Bin Laden's Bookshelf" documents collected during the Abbottabad raid
- The Department of Justice's release of additional information from Inspector General reports concerning collection activities authorized by President George W. Bush after the attacks of September 11, 2001
- The Fiscal Year 2015 budget figure for the National Intelligence Program, including

details on the National Intelligence Program appropriations and access to historical Intelligence Community budget information

- The Report to the Director of National Intelligence by the Intelligence Community Review Panel on the Fort Hood and Northwest Flight 252 Incidentss
- The declassification of the renewal of collection under section 215 of the USA PATRIOT Act, as amended by the USA FREEDOM Act
- The 2008 FISA Court opinion on section 702 – the first FISA Court opinion to approve a FISA section 702 certification – as well as the FISA Court’s 2014 opinion evaluating and approving the U.S. Government’s continued use of FISA section 702 authorities
- A 2014 FISA section 702 certification application
- All the 2014 FISA section 702 Standard Minimization Procedures

In addition to IC on the Record, the Office of the Director of National Intelligence is currently developing intelligence.gov, which will be a new hub for transparency about the Intelligence Community’s activities and how the Intelligence Community generally operates.

### **Specific Transparency Efforts**

The Intelligence Community has also made significant efforts to engage with the public. These efforts include:

- The Principles of Intelligence Transparency – The Intelligence Community, through an interagency working group, developed [The Principles of Intelligence Transparency for the Intelligence Community](#), which was released in February 2015. The Principles provide guidance to the Intelligence Community on making information publicly available in a manner that enhances understanding of the Intelligence Community while protecting classified national security information.
- Transparency Implementation Plan – Following release of the Principles, the Office of the Director of National Intelligence developed an [Implementation Plan for the](#)

**Principles**, which was released in October 2015. The Plan puts forth an Intelligence Community-wide strategy of proactive transparency and provides specific initiatives for Intelligence Community elements to undertake in establishing sustainable transparency practices.

- Support to Humanitarian Crises – The National Geospatial-Intelligence Agency supported lead federal agencies during the 2014 Ebola crisis by **providing public online access to geospatial data**, including relevant cultural information, maps of affected areas across West Africa, electric and power infrastructure information, and ground transportation methods.
- The Public and Academia – In September 2015, **the CIA released more than 2,500 historical Presidential Daily Briefs**, which are highly sensitive and classified documents, in a public event at the LBJ Presidential Library at the University of Texas, Austin. Just a few months earlier, the CIA had also released declassified documents related to the Agency's performance in the period before 9/11. Separately, Intelligence Community leaders participated in a wide range of public engagements, including the Council on Foreign Relations in New York, the GEOINT Symposium in Washington D.C., the Annual Space Symposium in Colorado, and the Georgetown Cyber Conference.
- Privacy and Technology – In July 2015, representatives from the Intelligence Community and the National Academy of Sciences held a **public workshop on Future Technology, Civil Liberties and Privacy**. The workshop was attended by technologists, academics, and company representatives, and focused on the critical role of transparency in informing the public on privacy and civil liberties laws. The workshop explored privacy implications of emerging technologies, the social science of privacy, and ethical approaches to data collection and use.
- Freedom of Information Act (FOIA) – The Office of the Director of National Intelligence is participating in the Administration's **Proactive Disclosure pilot program**. The intent of the pilot is to determine if FOIA policy should require agencies to proactively post all documents released through FOIA to their public website or to FOIA.gov. The six-month pilot allows participating agencies to assess the impact on their respective FOIA programs, while the Department of Justice examines the resulting benefits to the public.
- Open Government – Participating in the White House's Open Government initiative to promote government transparency, the Intelligence Community **provided input to the 2015 Open Government National Action Plan**, committing for the first time to publish an Intelligence Community-wide Open Government Plan. The Intelligence Community also pledged to conduct more structured engagements with civil society as part of the Open Government initiative to facilitate public exchange and input.

- The Intelligence Community continues to consider additional forums for engagement on its efforts to implement transparency in a consistent, coordinated, and credible manner. Intelligence Community representatives are considering possible outreach efforts to discuss enhanced transparency in the U.S. Intelligence Community with foreign partners in addition to engagement with the public.

The Intelligence Community believes that it is important that we give the public greater insight into the laws and policies that we operate under and how we interpret these authorities. We hope that our continuing efforts of transparency will demonstrate to both the American people and the rest of the world that our intelligence activities are not arbitrary, but conducted responsibly and pursuant to the law.

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## **IC ON THE RECORD:**

Direct access to factual information related to the lawful foreign surveillance activities of the U.S. Intelligence Community.

Created at the direction of the President of the United States and maintained by the Office of the Director of National Intelligence.

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## **HOT TOPICS:**

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## THEIR OWN WORDS:

- - [James Clapper, DNI](#)
- - [Mike Rogers, Dir. NSA](#)
- - [Rick Ledgett, Dep. Dir. NSA](#)
- - [Robert Litt, GC, ODNI](#)
- - [Alex Joel, CLPO, ODNI](#)
- - [Becky Richards, CLPO, NSA](#)
- - [John DeLong, CD, NSA](#)

## (Former IC Officials)

- - [Keith Alexander, Dir. NSA](#)
- - [John Inglis, Dep. Dir. NSA](#)
- - [Rajesh De, GC, NSA](#)

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