

Civil Liberties, Privacy, and Transparency

A. AUTHORITY: The National Security Act of 1947, as amended; the Privacy Act of 1974, as amended; Executive Order (EO) 12333, as amended; and other applicable provisions of law.

B. PURPOSE

1. This Directive establishes Intelligence Community (IC) policy for protecting civil liberties and privacy and for providing greater transparency that enhances public understanding of, and trust in, the IC mission, its governance framework, and intelligence activities as defined in EO 12333.

2. This Directive revises Intelligence Community Directive (ICD) 107, *Civil Liberties and Privacy*, 31 August 2012.

C. APPLICABILITY

1. This Directive applies to the IC, as defined by the National Security Act of 1947, as amended, and to such other elements of any department or agency as may be designated as an element of the IC by the President, or jointly by the Director of National Intelligence (DNI) and the head of the department or agency concerned.

2. This Directive shall be implemented in a manner consistent with applicable federal laws, Executive Orders, and presidential directives concerning civil liberties, privacy protections, and transparency.

3. For IC elements within departments, implementation shall also be consistent with departmental policies.

D. POLICY

1. The DNI is committed to protecting civil liberties and privacy and promoting greater public transparency, consistent with United States values and founding principles as a democratic society.

2. To protect civil liberties and privacy, IC elements shall:

a. Ensure such protections are integral considerations when planning and conducting intelligence activities; and

b. Integrate, share, and safeguard information in a manner that protects civil liberties and privacy.

3. To provide greater public transparency without causing damage to national security, IC elements shall:

a. Support robust implementation of the *Principles of Intelligence Transparency for the Intelligence Community* and ensure that external engagements and other communications by IC personnel with the public in furtherance of these principles are also aligned with IC element strategic communications efforts;



b. Harness new technologies to make intelligence information, once authorized for release, accessible to the public in a timely manner through a range of authorized communications channels with sufficient clarity and context so that it is readily understandable;

c. Ensure the protection of classified information in accordance with EO 13526, Classified National Security Information, and ICD 703, *Protection of Classified National Intelligence, Including Sensitive Compartmented Information*; and

d. Describe to the public, under appropriate circumstances and through authorized communications channels, why certain information can and cannot be released.

E. ROLES AND RESPONSIBILITIES

1. The DNI will provide oversight and guidance to the IC on civil liberties, privacy, and transparency with respect to intelligence activities conducted by IC elements.

2. The Chief of the Office of Civil Liberties, Privacy, and Transparency (CLPT) for the Office of the Director of National Intelligence (ODNI) serves as the Civil Liberties Protection Officer, performing duties relating to civil liberties and privacy in accordance with Section 103D of the National Security Act of 1947, as amended, and also serves as the ODNI Transparency Officer. The Chief of the Office of CLPT shall:

a. Establish and support IC fora to support this Directive, which shall include serving as Chair of the Civil Liberties and Privacy Council and Intelligence Transparency Council;

b. Develop and administer IC Standards, in accordance with IC Policy Guidance 101.2, *Intelligence Community Standards*, to ensure that civil liberties, privacy, and transparency are appropriately incorporated into the procedures of IC elements;

c. Ensure that IC enterprise technology initiatives incorporate appropriate civil liberties and privacy protections;

d. Represent the IC in Executive and Legislative Branch fora for matters relating to civil liberties, privacy, and transparency;

e. Conduct regular outreach to external stakeholder groups concerned with civil liberties, privacy, and transparency matters in order to enable substantive dialogue and understanding of diverse perspectives on issues of mutual interest;

f. Engage ODNI components and IC elements, as appropriate, to ensure information about the IC, once authorized for release, is communicated to the public in a timely manner with sufficient clarity and context so that it is readily understandable; and

g. Ensure timely reporting to Congress and the public by ODNI on Civil Liberties Protection Officer activities, statistical transparency relating to use of critical national security authorities, compliance with procedures and guidelines issued pursuant to Section 702 of the Foreign Intelligence Surveillance Act (P.L. 95-511), as amended, and on such other civil liberties, privacy, or transparency matters as required by Federal Laws, Executive Orders, Presidential Directives, ICD 112, *Congressional Notification*, or as otherwise prescribed by the DNI.

3. The Heads of IC elements shall:

- a. Conduct intelligence activities in a manner that protects civil liberties and privacy and provides greater public transparency, in accordance with this Directive;
- b. Designate or identify at least one senior official responsible for matters involving the protection of civil liberties and privacy as they relate to activities conducted by the element and for working with IC counterparts as a member of the IC Civil Liberties and Privacy Council;
- c. Designate or identify at least one senior official responsible for matters involving transparency as they relate to activities conducted by the element and for working with IC counterparts as a member of the Intelligence Transparency Council;
- d. Provide information to the ODNI, as requested, and to those officials described in Section E.3.b and E.3.c, concerning activities and requirements to protect civil liberties and privacy and to provide greater public transparency;
- e. Ensure that Privacy and Civil Liberties Officers, General Counsels, Inspectors General, senior transparency officials, and other offices, as appropriate, have access to all information required to protect civil liberties and privacy and to provide greater public transparency in accordance with this Directive;
- f. Ensure that adequate procedures are in place to receive, investigate, respond to, and redress complaints from individuals who allege violations of their civil liberties or privacy;
- g. Align IC element policies, resources, processes, and strategic communications to support transparency in a robust manner, consistent with applicable federal laws, Executive Orders, presidential directives, and the *Principles of Intelligence Transparency for the Intelligence Community*;
- h. Make information, once authorized for release, accessible to the public through a range of communications channels, including those enabled by new technology;
- i. Describe to the public in appropriate circumstances, through authorized channels, why information can and cannot be released; and
- j. Ensure timely reporting to Congress and the public on activities of Privacy and Civil Liberties Officers and on such other civil liberties, privacy, or transparency matters as required by federal laws, Executive Orders, presidential directives, ICD 112, or as otherwise requested by the ODNI.

4. Employees, as defined in EO 12333, and contractors or other individuals acting on behalf or in support of an IC element or other National Intelligence Program activity shall responsibly protect civil liberties and privacy and provide greater public transparency consistent with this Directive and other applicable IC policy.

F. EFFECTIVE DATE: This Directive becomes effective on the date of signature.



Director of National Intelligence

Feb. 28, 2018
Date