



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 16, 2009

The Honorable Richard B. Cheney  
President  
United States Senate  
Washington, D.C. 20510

Dear Mr. President:

Please find enclosed the quarterly report of the Department of Justice's Office of Privacy and Civil Liberties as required by section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. 110-53, 121 Stat. 266, 360 (Aug. 3, 2007).

The Justice Department continues to be committed to promoting privacy and civil liberties in all activities that further its mission. The fundamental mission of the Department's Office of Privacy and Civil Liberties is to ensure that privacy and civil liberties receive due consideration and regard in the formulation and execution of Departmental programs and policies.

In order to meet quarterly reporting requirements under section 803, the Department worked closely with the Office of Management and Budget, as well as with the other Federal agencies named in the statute, to develop a standard and effective reporting structure.

Should you have questions about the report, you may contact Kenneth P. Mortensen, the Department's Acting Chief Privacy and Civil Liberties Officer, or your staff may contact Kirsten J. Moncada, Director, Office of Privacy and Civil Liberties, at (202) 514-0208 or [Kirsten.J.Moncada@usdoj.gov](mailto:Kirsten.J.Moncada@usdoj.gov). The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

Keith B. Nelson  
Principal Deputy Assistant Attorney General

The Honorable Richard B. Cheney  
Page 2

Enclosure

IDENTICAL LETTER SENT TO THE HONORABLE NANCY PELOSI, SPEAKER OF THE HOUSE OF REPRESENTATIVES

cc: THE HONORABLE PATRICK J. LEAHY, CHAIRMAN, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE; THE HONORABLE ARLEN SPECTER, RANKING MINORITY MEMBER, COMMITTEE ON THE JUDICIARY, UNITED STATE SENATE; THE HONORABLE JOSEPH I. LIEBERMAN, CHAIRMAN, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, UNITED STATES SENATE; THE HONORABLE SUSAN M. COLLINS, RANKING MINORITY MEMBER, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, UNITED STATES SENATE; THE HONORABLE JOHN D. ROCKEFELLER IV, CHAIRMAN, AND THE HONORABLE CHRISTOPHER S. BOND, VICE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE, UNITED STATES SENATE; THE HONORABLE JOHN CONYERS, JR., CHAIRMAN, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES; THE HONORABLE LAMAR S. SMITH, RANKING MINORITY MEMBER, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES; THE HONORABLE EDOLPHUS TOWNS, CHAIRMAN, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES; THE HONORABLE THOMAS M. DAVIS III, RANKING MINORITY MEMBER, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES; THE HONORABLE SILVESTRE REYES, CHAIRMAN, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES; AND THE HONORABLE PETER HOEKSTRA, RANKING MINORITY MEMBER, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES.

U.S. Department of Justice

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THE OFFICE OF  
PRIVACY AND CIVIL LIBERTIES  
PRIVACY AND CIVIL LIBERTIES  
ACTIVITIES QUARTERLY REPORT



FIRST QUARTER

FY 2009

## **I. INTRODUCTION**

The policy of the Department of Justice is to protect the privacy and civil liberties of individuals by ensuring that due consideration and regard for information privacy and civil liberties are addressed in the execution of Departmental programs and policies. Since the creation of the Office of Privacy and Civil Liberties (OPCL) in 2006 and as noted in its two annual reports, the Department has begun to consolidate various privacy oversight functions and continued to strengthen the Department's commitment to privacy and civil liberties.

## **II. DEPARTMENT ACTIONS**

Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. 110-53, 121 Stat. 266, 360 (August 3, 2007) (hereinafter "Section 803") imposes enhanced and periodic, but not less than quarterly, reporting requirements for the Department's privacy and civil liberties officer on certain privacy and civil liberties activities. Furthermore, Section 803 enumerated various privacy and civil liberties requirements for the Department of Justice. Likewise, the Department continues to review a wide variety of activities and procedures within the Department to find opportunities to enhance protections of the privacy and civil liberties of individuals.

To emphasize the importance of protecting privacy and civil liberties at the highest levels of the Department, and to assign accountability, the Attorney General has designated a Chief Privacy and Civil Liberties Officer (CPCLO) for the Department that works on the Deputy Attorney General's staff. The CPCLO has the authority to advise and be consulted about matters concerning privacy and civil liberties in the Department. In addition, the CPCLO has consolidated most privacy and civil liberties policies and department wide activities into one office, which reports directly to the CPCLO. The CPCLO is responsible for submitting the quarterly reports required by Section 803.

### III. FIRST QUARTER REPORT

The United States Department of Justice  
 Quarterly Report on Privacy and Civil Liberties Activities  
 Under Section 803 of the 9/11 Commission Act of 2007  
 Quarter 1 9/1/08 to 11/30/08

Reviews		Advice			Complaints		
Type	Number	Type	Number	Response	Type	Number	Response
Privacy Impact Assessments	2	Attorney General Guidelines	4	Guidance	<b>PRIVACY</b>	1	Agency able to assist
Privacy Reviews on Legislation, Testimony, Reports	59	EU Data Protection Directive Analysis	1	Guidance		2	Unable to Assist
		US-EU High Level Contact Group Interim Statement	1	Report			
		EU Article 29 Working Party e-Discovery Inquiry	1	Letter	<b>CIVIL LIBERTIES</b>	5	Unable to assist



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January 16, 2009

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Madam Speaker:

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The Justice Department continues to be committed to promoting privacy and civil liberties in all activities that further its mission. The fundamental mission of the Department's Office of Privacy and Civil Liberties is to ensure that privacy and civil liberties receive due consideration and regard in the formulation and execution of Departmental programs and policies.

In order to meet quarterly reporting requirements under section 803, the Department worked closely with the Office of Management and Budget, as well as with the other Federal agencies named in the statute, to develop a standard and effective reporting structure.

Should you have questions about the report, you may contact Kenneth P. Mortensen, the Department's Acting Chief Privacy and Civil Liberties Officer, or your staff may contact Kirsten J. Moncada, Director, Office of Privacy and Civil Liberties, at (202) 514-0208 or [Kirsten.J.Moncada@usdoj.gov](mailto:Kirsten.J.Moncada@usdoj.gov). The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

Keith B. Nelson  
Principal Deputy Assistant Attorney General

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UNITED STATES SENATE

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U.S. Department of Justice

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