



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

August 5, 2008

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. Within the report, we provide a narrative description of the process and procedures that the Department has implemented to report on the privacy and civil liberties activities required by section 803.

Should you have questions about the report, you may contact Kenneth 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

The Honorable Richard B. Cheney
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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 submission of this letter.

Sincerely,



Keith B. Nelson
Principal Deputy Assistant Attorney General

Enclosure

IDENTICAL LETTERS SENT TO THE HONORABLE NANCY PELOSI, SPEAKER OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE PATRICK J. LEAHY, CHAIRMAN, COMMITTEE ON THE JUDICIARY, UNITED STATE SENATE; THE HONORABLE ARLEN SPECTER, RANKING MINORITY MEMBER, UNITED STATES 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 HENRY A. WAXMAN, 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

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

August 5, 2008

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

Dear Madam Speaker:

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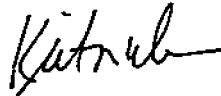
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Office of the Assistant Attorney General

Washington, DC 20530

August 5, 2008

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

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Office of the Assistant Attorney General

Washington, DC 20530

August 5, 2008

The Honorable Arlen Specter
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Specter:

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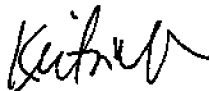
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Washington, DC 20530

August 5, 2008

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

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Washington, DC 20530

August 5, 2008

The Honorable Susan M. Collins
Ranking Minority Member
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Senator Collins:

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Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

August 5, 2008

The Honorable John D. Rockefeller IV
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

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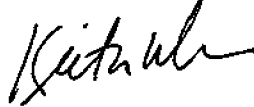
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The Honorable Christopher Bond
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Vice Chairman:

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Principal Deputy Assistant Attorney General

Enclosure

IDENTICAL LETTERS SENT TO THE HONORABLE RICHARD B. CHENEY, PRESIDENT, UNITED STATES SENATE; THE HONORABLE NANCY PELOSI, SPEAKER OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE ARLEN SPECTER, RANKING MINORITY MEMBER, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE; THE HONORABLE JOSEPH I. LIEBERMAN, CHAIRMAN, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, UNITED STATES SENATE; THE HONORABLE JOHN D. ROCKEFELLER IV, CHAIRMAN AND THE HONORABLE CHRISTOPHER BOND, VICE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE, UNITED STATES SENATE; THE HONORABLE LAMAR S. SMITH, RANKING MINORITY MEMBER, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES; THE HONORABLE HENRY A. WAXMAN, 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

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

August 5, 2008

The Honorable Lamar Smith
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Smith:

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. Within the report, we provide a narrative description of the process and procedures that the Department has implemented to report on the privacy and civil liberties activities required by section 803.

Should you have questions about the report, you may contact Kenneth 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

The Honorable Lamar Smith
Page 2

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 submission of this letter.

Sincerely,



Keith B. Nelson
Principal Deputy Assistant Attorney General

Enclosure

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

August 5, 2008

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

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).

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The Honorable Henry A. Waxman
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Sincerely,



Keith B. Nelson
Principal Deputy Assistant Attorney General

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

August 5, 2008

The Honorable Thomas M. Davis III
Ranking Minority Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Davis:

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).

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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 submission of this letter.

Sincerely,



Keith B. Nelson
Principal Deputy Assistant Attorney General

Enclosure

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

August 5, 2008

The Honorable Silvestre Reyes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

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. Within the report, we provide a narrative description of the process and procedures that the Department has implemented to report on the privacy and civil liberties activities required by section 803.

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The Honorable Silvestre Reyes
Page 2

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Sincerely,



Keith B. Nelson
Principal Deputy Assistant Attorney General

Enclosure

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

August 5, 2008

The Honorable Peter Hoekstra
Ranking Minority Member
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Hoekstra:

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.

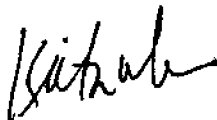
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The Honorable Peter Hoekstra
Page 2

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Sincerely,



Keith B. Nelson
Principal Deputy Assistant Attorney General

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U.S. Department of Justice

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



SECOND AND THIRD QUARTERS

FY 2008

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 2005 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 direct all 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. QUARTERLY REPORTS

The Department has coordinated the development of this process with the Office of Management and Budget, as well as with other federal agencies identified in the statute.

This report will include data concerning privacy and civil liberties activities of the CPCLO, including data on the related reviews conducted, reference to the advisory

guidance delivered, and information about written complaints received and their processing.

A. REVIEWS

A review encompasses activities that are part of a systematic and repeatable process looking at privacy or civil liberties matters enumerated in controlling authorities, such as the Privacy Act of 1974, 5 USC 552a; E-Government Act of 2002 (P.L. 107-347); Consolidated Appropriations Act of 2005 (P.L. 108-447); Office of Management and Budget (OMB) Circular A-130, Appendix 1; and OMB Memo M-07-16. Examples of reviews may include:

1. Privacy Impact Assessments/Civil Liberties Impact Assessments, including reviews required under Section 208 of the E-Government Act;
2. OMB Circular A-130 Privacy Act Reviews, including the statutory duties of the Privacy Act, which include new and updated system reviews and reviews regarding proposed rules for Privacy Act exemptions;
3. OMB Circular A-130 Computer Matching Reviews, which requires the Department to examine the privacy implications of sharing information to be used in matching arrangements;
4. OMB Memorandum M-07-16 Privacy & Security Review, including reviews of policies and procedures in order to safeguard against the breach of personally identifiable information (PII), such as Personally Identifiable Information holdings reviews, Social Security Number use reduction, or identity theft reviews;
5. Information Sharing Environment Privacy Guidelines Assessment, including policy reviews and system assessments to ensure consistency with the ISE Privacy Guidelines;
6. National Security Reviews;
7. Data Mining Reviews, including the review required by Section 804 of the 9/11 Commission Act;

8. OMB Circular A-11, Part 7, Exhibit 300 Process, including reviews of privacy and civil liberties documentation associated with developmental and operational budgetary assessments.

B. ADVICE

1. Formal Advice

The issuance of formal written policies, procedures, guidance, or interpretations of privacy requirements for circumstances or business processes, which have been drafted or authorized by the CPCLO and approved as official agency policy by Department leadership, to respond to issues or concerns regarding safeguards for privacy and civil liberties.

2. Response to Advice

In addition, the report will indicate which of the following forms of final, formal advice CPCLO has selected, such as the issuance of a Privacy Impact Assessment Guidance. Examples of a response to advice may include:

1. Regulations;
2. Orders;
3. Guidance;
4. Agreements; or
5. Training.

C. COMPLAINTS

1. Privacy Complaints

A written allegation (other than in the context of litigation) concerning a problem with or violation of privacy protections in the administration of the programs and operations of the Department that is submitted to or through the CPCLO. This will not include complaints filed in litigation against the Department or Freedom of Information Act/Privacy Act requests made to the Department. The types of privacy complaints include:

1. Process and procedural issues (consent, collection, and appropriate notice);
2. Redress issues (non-Privacy Act inquiries seeking resolution of difficulties or concerns about privacy matters);
3. Operational issues (inquiries regarding Privacy Act matters not including Privacy Act requests for access and/or corrections)

2. *Civil Liberties Complaints*

A written allegation (other than in the context of litigation) concerning a problem with or violation of civil liberties safeguards concerning the handling of personal information by the Department in the administration of Department programs and operations that is submitted to or through the CPCLC. Civil liberties complaints do not include any claims made based on statutory rights. Types of civil liberties complaints include those complaints which pertain to the sharing of information to include:

1. Freedom of speech and association issues, such as those surrounding U.S. Const. amend. I, art. I;
2. Reasonable autonomy issues, such as those surrounding U.S. Const. amend. IV; or
3. Equal protection and due process issue, such as those surrounding U.S. Const. amend. V and XIV.

3. *Dispositions of Complaints*

For each type of privacy or civil liberties issue reported received by the Office of Privacy and Civil Liberties during the last fiscal quarter, the Office will report the number of complaints (1) that the agency was able to assist in resolving; (2) that the agency referred out; and, (3) that the agency was unable to assist in resolving.

IV. REPORTING

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 2 12/1/07 to 2/29/08

Reviews		Advice			Complaints		
Type	Number	Type	Number	Response	Type	Number	Response
Privacy Threshold Analyses	6	Mobile Devices: Encryption	1	Guidance	PRIVACY	1	Agency able to assist
Privacy Impact Assessments	4						
National Security Reviews	2						
System of Records Notices and Rules	1				CIVIL LIBERTIES	6	Pending Response
Privacy Reviews on Legislation, Testimony, Reports	58					1	Agency able to assist
Program Policy Review	6						

2Q and 3Q FY2008 P&CL Quarterly Report
 Office of Privacy and Civil Liberties
 U.S. Department of Justice

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 3 3/1/08 to 5/31/08

Reviews		Advice			Complaints		
Type	Number	Type	Number	Response	Type	Number	Response
Privacy Threshold Analyses	14	Privacy Act of 1974 Compliance	1	Training	PRIVACY	3	Pending Response
Privacy Impact Assessments	7	Privacy Impact Assessment Requirements	1	Training			
National Security Reviews	6	Contract Conforming Clauses: Privacy Incident Response	1	Guidance	CIVIL LIBERTIES	16	Pending Response
Privacy Reviews on Legislation, Testimony, Reports	60					1	Referred
Program Policy Review	10						
Computer Matching Review	2						
Document Disclosure Review	1						