



U.S. Department of Justice  
Office of Legislative Affairs

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Office of the Assistant Attorney General    *Washington, D.C. 20530*

November 19, 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.

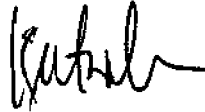
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Should you have questions about the report, you may contact Kenneth Mortensen, the Department's Acting Chief Privacy and Civil Liberties Officer, or your staff may contact Kirsten J. Moncada, Director, Office of Privacy and Civil Liberties, at (202) 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 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 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.



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Office of the Assistant Attorney General    *Washington, D.C. 20530*

November 19, 2008

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

Dear Madam Speaker:

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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Sincerely,



Keith B. Nelson  
Principal Deputy Assistant Attorney General

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Office of the Assistant Attorney General    *Washington, D.C. 20530*

November 19, 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, D.C. 20530*

November 19, 2008

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

Dear Senator Specter:

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 Arlen Specter  
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Sincerely,



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Office of the Assistant Attorney General      Washington, D.C. 20530

November 19, 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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Office of the Assistant Attorney General      *Washington, D.C. 20530*

November 19, 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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U.S. Department of Justice  
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Office of the Assistant Attorney General    *Washington, D.C. 20530*

November 19, 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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Vice Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

Dear Mr. Vice Chairman:

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U.S. House of Representatives  
Washington, D.C. 20515

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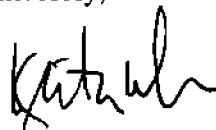
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The Honorable John Conyers, Jr.  
Page Two

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 RICHARD B. CHENEY, PRESIDENT \_ OF THE UNITED STATES SENATE; THE HONORABLE NANCY PELOSI, SPEAKER OF THE HOUSE OF REPRESENTATIVES; 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 STATES SENATE; THE HONORABLE JOSEPH I. LIEBERMAN, CHAIRMAN, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS; THE HONORABLE SUSAN B. COLLINS, RANKING MINORITY MEMBER, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS; THE HONORABLE JOHN D. ROCKEFELLER IV, CHAIRMAN, AND CHRISTOPHER S. 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 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

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Office of the Assistant Attorney General      *Washington, D.C. 20530*

November 19, 2008

The Honorable Lamar S. 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).

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The Honorable Lamar S. Smith  
Page Two

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

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U.S. Department of Justice

Office of Legislative Affairs

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Office of the Assistant Attorney General    Washington, D.C. 20530

November 19, 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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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

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U.S. Department of Justice  
Office of Legislative Affairs

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Office of the Assistant Attorney General    *Washington, D.C. 20530*

November 19, 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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The Honorable Thomas M. Davis III  
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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

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Office of the Assistant Attorney General    *Washington, D.C. 20530*

November 19, 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).

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The Honorable Silvestre Reyes  
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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

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Office of the Assistant Attorney General    *Washington, D.C. 20530*

November 19, 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:

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The Honorable Peter Hoekstra  
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U.S. Department of Justice

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



FOURTH QUARTER

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 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 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. FOURTH 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 4 6/1/08 to 8/31/08

Reviews		Advice			Complaints		
Type	Number	Type	Number	Response	Type	Number	Response
Privacy Threshold Analyses	11	Web Content Managers Training	1	Training	<b>PRIVACY</b>	1	Agency able to assist
Privacy Impact Assessments	6	DOJ Privacy Reporting Training	1	Training		3	Pending Response
National Security Reviews	2	Initial Privacy Assessment Template	1	Guidance		1	Referred
System of Records Notices and Rules	1	EU Data Protection Directive Analysis	2	Guidance	<b>CIVIL LIBERTIES</b>	1	Agency able to assist
Privacy Reviews on Legislation, Testimony, Reports	62	US-EU High Level Contact Group Final Report	1	Report		5	Pending Response
Program Policy Review	15	U.S. Judicial Redress	1	Guidance			
OMB 300 Reviews	16						