

# NATIONWIDE SAR INITIATIVE



## PRIVACY FACT SHEET

### OVERVIEW

The Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) is a collaborative effort led by the U.S. Department of Justice (DOJ), Bureau of Justice Assistance, in partnership with the U.S. Department of Homeland Security (DHS); the Federal Bureau of Investigation (FBI); and state, local, and tribal law enforcement partners. The NSI provides law enforcement with another tool to help prevent terrorism and other related criminal activity by establishing a national capacity for gathering, documenting, processing, analyzing, and sharing terrorism-related SAR information.

The protection of privacy, civil rights, and civil liberties is paramount to the success of the NSI. Given this importance, the NSI has worked with various advocacy groups and other stakeholders to develop protections that, when consolidated, make up a comprehensive NSI Privacy Protection Framework. These efforts have served an important role in successfully shaping NSI policies and processes.

The NSI requires each participating fusion center to consider privacy throughout the SAR process by fully adopting the NSI Privacy Protection Framework.

### NSI PRIVACY PROTECTION FRAMEWORK

The elements of the framework include the following:

#### PRIVACY POLICY

The adoption and implementation of a privacy policy that has been determined by the DHS Chief Privacy Officer to be “at least as comprehensive” as the Information Sharing Environment (ISE) Privacy Guidelines and to address all required privacy protections in DOJ’s Global Justice Information Sharing Initiative’s *Fusion Center Privacy Policy Development: Privacy, Civil Rights, and Civil Liberties Policy Template*, including provisions required for participation in the NSI. These policies must also adhere to applicable state, local, or tribal law, as well as to agency policies and procedures. Privacy policies are posted to individual fusion center Web sites and on the National Fusion Center Association Web site.

#### ISE-SAR FUNCTIONAL STANDARD

The application of the ISE-SAR Functional Standard (FS), which reinforces constitutional standards, including the protections guaranteed by the First Amendment and limitations on the use of certain factors—including race, ethnicity, national origin, or religious affiliation—in the gathering, collecting, storing, and sharing of personally identifiable information about individuals.

#### PRIVACY COMPONENTS IN TRAINING

The NSI training strategy is designed to increase the effectiveness of state, local, and tribal law enforcement professionals in identifying, reporting, evaluating, and sharing pre-incident terrorism indicators. The training is broken down into focus areas for frontline officers, analysts, executives, and hometown partners, with each training program focusing on the respective level of responsibilities and duties of various law enforcement professionals and those partners with similar missions, as well as reinforcing the need to protect privacy, civil rights, and civil liberties.

#### COMMUNITY OUTREACH

NSI sites are encouraged to engage in outreach to members of the public, including privacy and civil liberties advocacy groups and private sector partners, in the course of privacy policy development and implementation to help address the privacy concerns of citizens and advocates.

#### SAR VETTING PROCESS

Before a SAR can move from agency systems to the ISE, two forms of vetting must occur: (1) supervisors at source agencies, which initially receive SARs from law enforcement officers, public safety agencies, private sector partners, or citizens, must initially review each SAR to determine whether it is appropriate for consideration as a terrorism-related SAR; and (2) trained analysts or investigators at the fusion center must then analyze the SAR against the terrorism preoperational behaviors identified in the ISE-SAR FS and make a determination, based on all available facts and circumstances, whether there is a potential nexus to terrorism. Throughout the vetting process, privacy, civil rights, and civil liberties are vigilantly and actively protected through the training that analysts/investigators receive and through the system attributes that are a part of the NSI.