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Description of document: Privacy And Civil Liberties Oversight Board (PCLOB)
Decision Memoranda, 2016-2017

Requested date: 16-August-2017

Release date: 03-October-2017
Second interim release: 12-October-2017
Third interim release: 23-October-2017
Fourth interim release: 03-November-2022

Posted date: 05-December-2022

Note: Records released 03-October-2017 begin on PDF page 2
Records released 12-October-2017 begin on PDF page 11
Records released 23-October-2017 begin on PDF page 17
Records released 03-November-2022 begin on PDF page 26

Source of document: Privacy And Civil Liberties Oversight Board
Attn: FOIA Officer
800 N. Capitol St., NW
Washington, DC 20002.
Fax: [\(202\) 816-3088](tel:(202)816-3088)
Email: foia@pclob.gov
[FOIA Online](#)

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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD
WASHINGTON, D.C. 20511

October 3, 2017

Re: PCLOB FOIA 2017-028

This is an interim response to your Freedom of Information Act ("FOIA") request dated August 16, 2017 and clarified/perfected on August 23, 2017, in which you seek "a copy of each PCLOB Decision Memorandum during the years 2016 and 2017."

As noted in the acknowledgment letter dated September, 20, 2017, a search was conducted and documents were located that are responsive to your request. However, some of the documents require consultation with other executive branch agencies. As previously explained, the PCLOB has no control over the timing of the consultation process. In the meantime, however, we are providing you with this interim response and hope to continue to provide records (if they become available) on a rolling basis.

Therefore, I have attached 7 pages for release in response to your request. I have determined that redactions are appropriate in some records pursuant to Exemption 1(A) of the FOIA, 5 U.S.C. § 552(b)(1)(A), which protects classified information. The redactions have been clearly marked.

As explained above, we will provide you with interim responses on a rolling basis if additional records are determined to be subject to release.

Finally, at this time, one PCLOB Decision Memorandum is being withheld in full pursuant to Exemption 5. I have determined that disclosure of the information would harm the Board's deliberative process privilege and that partial disclosure of information responsive to your request is not possible at this time.

You may contact me or the PCLOB's FOIA Public Liaison Eric Broxmeyer at (202) 331-1986 or foia@pclob.gov for further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services ("OGIS") at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the PCLOB Freedom of Information Act Appeal Authority, at MS2 Room 2C104, Washington, DC 20511, or you may submit an appeal via email to foia@pclob.gov. Your appeal must be postmarked or electronically transmitted within ninety calendar days from the date of this letter.

Sincerely,

A handwritten signature in blue ink that reads "Mason C. Clutter". The signature is written in a cursive, flowing style.

Mason C. Clutter
Freedom of Information Act Officer
Attorney-Advisor
(202) 296-4729



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board

From: Eric Broxmeyer

Re: Recordation of Board Notational Vote on Sending the Fact Section of the 12333 Deep Dive Report as a Staff Draft to the Intelligence Community for Accuracy and Classification Review

Date: Nov. 1, 2016

Record: PCLOB-D-2016-030

DECISION:

The Board approved sending the fact section of the 12333 CIA (b) (1) (A) Deep Dive Report as a staff draft to the Intelligence Community for accuracy and classification review.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Elisebeth Collins	X			Oct. 28, 2016
Rachel Brand	X			Oct. 31, 2016
James Dempsey	X			Oct. 31, 2016
Patricia Wald	X			Oct. 31, 2016

* All votes were done by notational voting.

CERTIFICATION:



Eric Broxmeyer

General Counsel
Date: Nov. 1, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board

From: Eric Broxmeyer

Re: Recordation of Board Notational Vote on Sending the 12333 Deep Dive Report to the Intelligence Community for Accuracy and Classification Review

Date: Dec. 14, 2016

Record: PCLOB-D-2016-037

DECISION:

The Board approved sending the 12333 CIA (b) (1) (A) Deep Dive Report to the Intelligence Community for accuracy and classification review.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Patricia Wald	X			Dec. 12, 2016
Elisebeth Collins	X			Dec. 14, 2016
Rachel Brand	X			Dec. 14, 2016
James Dempsey	X			Dec. 14, 2016

* All votes were done by notational voting.

CERTIFICATION:

Eric Broxmeyer

General Counsel
Date: Dec. 14, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board

From: Eric Broxmeyer

Re: Recordation of Board Notational Vote on Sending the PPD-28 Report to the Office of the Director of National Intelligence for Accuracy and Classification Review

Date: Dec. 14, 2016

Record: PCLOB-D-2016-037

DECISION:

The Board approved sending the PPD-28 Report to the Office of the Director of National Intelligence for accuracy and classification review.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Patricia Wald	X			Dec. 14, 2016
Elisebeth Collins	X			Dec. 14, 2016
Rachel Brand	X			Dec. 14, 2016
James Dempsey	X			Dec. 14, 2016

* All votes were done by notational voting.

CERTIFICATION:


Eric Broxmeyer

General Counsel
Date: Dec. 14, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Semi-Annual Report
Date: Jan. 5, 2017
Record: PCLOB-D-2017-003

DECISION:

The Board approved the attached Semi-Annual Report (Apr. 2016 – Sept. 2016), which will be distributed to the recipients on page 2 and then posted on the Board’s website.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Elisebeth Collins	X			Jan. 5, 2017
Rachel Brand	X			Jan. 5, 2017
Patricia Wald	X			Jan. 5, 2017

* All votes were done by notational voting.

CERTIFICATION:


Eric Broxmeyer

General Counsel
Date: Jan. 5, 2017



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board

From: Eric Broxmeyer

Re: Recordation of Board Notational Vote on Recommendations Assessment Report and Fact Sheet

Date: Feb. 4, 2016

Record: PCLOB-D-2016-004

DECISION:

The Board approves the Recommendations Assessment Report and accompanying Fact Sheet, which will be made generally available to the Intelligence Community, Congress, and the public (on the Board's website).

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Patricia Wald	X			Feb. 4, 2016
Elisebeth Collins	X			Feb. 3, 2016
Rachel Brand	X			Feb. 3, 2016
David Medine	X			Feb. 3, 2016
James Dempsey	X			Feb. 3, 2016

* All votes were done by notational voting.

CERTIFICATION:


Eric Broxmeyer
General Counsel

Date: Feb. 4, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Section 803 Report Recommendations
Date: June 10, 2016
Record: PCLOB-D-2016-017

DECISION I:

The Board approved the attached Section 803 Report recommendations, which will be circulated to the Privacy and Civil Liberties Officers from the eight agencies designated in 42 U.S.C. § 2000ee-1(a) and the White House Office of Science and Technology Policy.

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Rachel Brand	X			June 8, 2016
David Medine	X			June 8, 2016
James Dempsey	X			June 8, 2016
Patricia Wald	X			June 10, 2016
Elisebeth Collins	X			June 10, 2016

* All votes were done by notational voting.

DECISION II:

The Board will also make the attached Section 803 Report recommendations public on the Board's website after giving notice to the Privacy and Civil Liberties Officers from the eight agencies designated in 42 U.S.C. § 2000ee-1(a), the White House Office of Science and Technology Policy, and the Judiciary and Intelligence Committees in the House of Representatives and the Senate.

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Rachel Brand	X			June 8, 2016
David Medine	X			June 8, 2016
James Dempsey	X			June 8, 2016
Patricia Wald	X			June 10, 2016
Elisebeth Collins	X			June 10, 2016

* All votes were done by notational voting.

CERTIFICATION:

Eric Broxmeyer, General Counsel

6-10-16

Date



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Lynn Parker Dupree
Re: Semi-Annual Report
Date: August 15, 2016
Record: PCLOB-D-2016-0023

DECISION:

The Board approved the attached Semi-Annual Report (Oct. 2015 – Mar. 2016), which will be distributed to the recipients specified in the document and then posted on the Board's website.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Patricia Wald	X			August 12, 2016
Elisebeth Collins	X			August 12, 2016
Rachel Brand	X			August 11, 2016
James Dempsey	X			August 11, 2016

CERTIFICATION:

Lynn Parker Dupree
Deputy General Counsel

Date: August 15, 2016



PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD
WASHINGTON, D.C. 20511

October 12, 2017

Re: PCLOB FOIA 2017-028

This is the second interim response to your Freedom of Information Act (“FOIA”) request dated August 16, 2017 and clarified/perfected on August 23, 2017, in which you seek “a copy of each PCLOB Decision Memorandum during the years 2016 and 2017.”

As noted in the acknowledgment letter dated September, 20, 2017, a search was conducted and documents were located that are responsive to your request. However, some of the documents require consultation with other executive branch agencies. As previously explained, the PCLOB has no control over the timing of the consultation process. In the meantime, however, we are providing you with this interim response and hope to continue to provide records (if they become available) on a rolling basis.

Therefore, I have attached an additional 4 pages for release in response to your request.

As explained above, we will provide you with interim responses on a rolling basis if additional records are determined to be subject to release.

You may contact me or the PCLOB’s FOIA Public Liaison Eric Broxmeyer at (202) 331-1986 or foia@pclob.gov for further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (“OGIS”) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the PCLOB Freedom of Information Act Appeal Authority, at MS2 Room 2C104, Washington, DC 20511, or you may submit an appeal via email to foia@pclob.gov. Your appeal must be postmarked or electronically transmitted within ninety calendar days from the date of this letter.

Sincerely,

A handwritten signature in blue ink that reads "Mason Clutter". The signature is written in a cursive, flowing style.

Mason C. Clutter
Freedom of Information Act Officer
Attorney-Advisor
(202) 296-4729



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on New DHS Data Framework Project
Date: Jan. 3, 2017
Record: PCLOB-D-2016-042

DECISION:

The Board voted to adopt a new project based on the attached Department of Homeland Security ("DHS") Data Framework project description.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Elisebeth Collins	X			12/30/2016
Rachel Brand	X			01/02/2017
James Dempsey	X			12/29/2016
Patricia Wald	X			01/02/2017

* All votes were done by notational voting.

CERTIFICATION:

Eric Broxmeyer

General Counsel
Date: Jan. 3, 2017



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on New Terrorist Finance Tracking Program Project
Date: Jan. 3, 2017
Record: PCLOB-D-2016-043

DECISION:

The Board adopted a new project based on the attached Terrorist Finance Tracking Program ("TFTP") project description.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Rachel Brand			X	01/02/2017
James Dempsey	X			12/29/2016
Patricia Wald	X			01/02/2017
Elisebeth Collins	X			01/02/2017

* All votes were done by notational voting.

CERTIFICATION:


Eric Broxmeyer

General Counsel
Date: Jan. 3, 2017



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on New NCTC Project
Date: Oct. 17, 2016
Record: PCLOB-D-2016-027

DECISION:

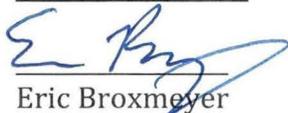
The Board adopted a new project based on the attached NCTC project description.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Rachel Brand	X			Oct. 17, 2016
James Dempsey	X			Oct. 6, 2016
Patricia Wald	X			Oct. 7, 2016
Elisebeth Collins	X			Oct. 9, 2016

* All votes were done by notational voting.

CERTIFICATION:


Eric Broxmeyer

General Counsel
Date: Oct. 17, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on New Watchlist Project
Date: Dec. 18, 2016
Record: PCLOB-D-2016-038

DECISION:

The Board decided to (1) close out the notational review process on the Watchlist project, and (2) adopt a new project based on the attached Watchlist project description.

VOTE:

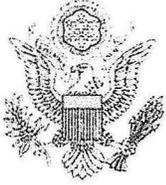
<i>Board Member*</i>	<i>Yes</i>		<i>No</i>		<i>Abstain</i>		<i>Date</i>
	D1	D2	D1	D2	D1	D2	
Elisebeth Collins	X	X					Dec. 12, 2016
Rachel Brand	X	X					Dec. 18, 2016
James Dempsey	X	X					Dec. 18, 2016
Patricia Wald	X	X					Dec. 18, 2016

* All votes were done by notational voting.

CERTIFICATION:


Eric Broxmeyer

General Counsel
Date: Dec. 18, 2016



PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD
WASHINGTON, D.C. 20511

October 23, 2017

Re: PCLOB FOIA 2017-028

This is the third interim response to your Freedom of Information Act (“FOIA”) request dated August 16, 2017 and clarified/perfected on August 23, 2017, in which you seek “a copy of each PCLOB Decision Memorandum during the years 2016 and 2017.”

As noted in the acknowledgment letter dated September 20, 2017, a search was conducted and documents were located that are responsive to your request. However, some of the documents require consultation with other executive branch agencies. As previously explained, the PCLOB has no control over the timing of the consultation process. In the meantime, however, we are providing you with this interim response and hope to continue to provide records (if they become available) on a rolling basis.

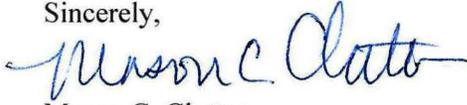
Therefore, I have attached an additional 7 pages for release in response to your request.

As explained above, we will provide you with interim responses on a rolling basis if additional records are determined to be subject to release.

You may contact me or the PCLOB’s FOIA Public Liaison Eric Broxmeyer at (202) 331-1986 or foia@pclob.gov for further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (“OGIS”) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the PCLOB Freedom of Information Act Appeal Authority, at MS2 Room 2C104, Washington, DC 20511, or you may submit an appeal via email to foia@pclob.gov. Your appeal must be postmarked or electronically transmitted within ninety calendar days from the date of this letter.

Sincerely,

A handwritten signature in blue ink that reads "Mason C. Clutter". The signature is written in a cursive style with a long horizontal stroke at the end.

Mason C. Clutter
Freedom of Information Act Officer
Attorney-Advisor
(202) 296-4729



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Board Statement re: SSCI FY17 IAA
Date: June 15, 2016
Record: PCLOB-D-2016-020

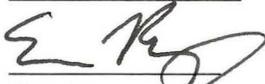
DECISION:

The Board approved the attached statement on the Senate Select Committee on Intelligence ("SSCI")'s version of the Fiscal Year ("FY") 2017 Intelligence Authorization Act ("IAA"), S.3017, which will also be conveyed to the House Permanent Select Committee on Intelligence ("HPSCI") in advance of a likely conference with SSCI and to the White House during its consideration of the IAA.

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Patricia Wald	X			June 15, 2016
Elisebeth Collins	X			June 15, 2016
Rachel Brand	X			June 15, 2016
David Medine	X			June 15, 2016
James Dempsey	X			June 15, 2016

* All votes were done by notational voting.

CERTIFICATION:



Eric Broxmeyer

General Counsel
Date: June 15, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on DHS Advice Project
Date: Nov. 11, 2016
Record: PCLOB-D-2016-033

DECISION:

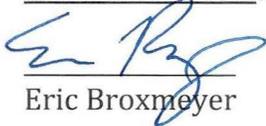
The Board decided to exercise its advisory role regarding the Department of Homeland Security (“DHS”)’s E.O. 12333 Attorney General Procedures.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Patricia Wald	X			Nov. 9, 2016
Elisebeth Collins	X			Nov. 10, 2016
Rachel Brand	X			Nov. 10, 2016
James Dempsey	X			Nov. 10, 2016

* All votes were done by notational voting.

CERTIFICATION:


Eric Broxmeyer

General Counsel
Date: Nov. 11, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board

From: Eric Broxmeyer

Re: Recordation of Board Notational Vote on Department of Homeland Security Advice Memorandum

Date: Nov. 23, 2016

Record: PCLOB-D-2016-035

DECISION:

The Board approves conveying the advice in the attached memorandum on the Department of Homeland Security ("DHS")'s draft E.O. 12333 procedures to DHS, the Department of Justice, and the Office of the Director of National Intelligence.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Rachel Brand	X			Nov. 23, 2016
James Dempsey	X			Nov. 23, 2016
Patricia Wald	X			Nov. 23, 2016
Elisebeth Collins	X			Nov. 23, 2016

* All votes were done by notational voting.

CERTIFICATION:



Eric Broxmeyer

General Counsel
Date: Nov. 23, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on FBI Open Source Project
Date: Jan. 3, 2017
Record: PCLOB-D-2016-046

DECISION:

The Board adopted a new project based on the attached Federal Bureau of Investigation ("FBI") Open Source project description.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Elisebeth Collins	X			12/31/2016
Rachel Brand			X	01/02/2017
James Dempsey	X			12/31/2016
Patricia Wald	X			01/02/2017

* All votes were done by notational voting.

CERTIFICATION:

Eric Broxmeyer

General Counsel
Date: Jan. 3, 2017



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board

From: Eric Broxmeyer

Re: Recordation of Board Notational Vote on Advice for (b) (5)

Date: Mar. 24, 2016

Record: PCLOB-D-2016-008

DECISION:

The Board decided to exercise its advisory role regarding the (b) (5)

(b) (5)

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
James Dempsey	X			Mar. 16, 2016
Patricia Wald		X		Mar. 18, 2016
Elisebeth Collins	X			Mar. 22, 2016
Rachel Brand	X			Mar. 22, 2016
David Medine	X			Mar. 23, 2016

* All votes were done by notational voting.

CERTIFICATION:



Eric Broxmeyer

General Counsel

Date: Mar. 24, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board

From: Eric Broxmeyer

Re: Recordation of Board Notational Vote on (b) (5)
(b) (5)

Date: Apr. 29, 2016

Record: PCLOB-D-2016-010

DECISION 1:

The Board approves conveying the advice contained in the attached memorandum on the

(b) (5)

<i>Board Member*</i>	<i>Yes to WHOLE</i>	<i>Yes EXCEPT</i>	<i>No to WHOLE</i>	<i>Abstain</i>	<i>Date</i>
Elisebeth Collins			X		Apr. 29, 2016
Rachel Brand			X		Apr. 29, 2016
David Medine		X - EXCEPT B1, C1			Apr. 29, 2016
James Dempsey		X - EXCEPT B1, C1			Apr. 29, 2016
Patricia Wald		X - EXCEPT C1			Apr. 29, 2016

* All votes were done by notational voting.

DECISION 2:

The Board will provide the advice in writing.

<i>Board Member*</i>	<i>ORALLY</i>	<i>IN WRITING</i>	<i>Abstain</i>	<i>Date</i>
Elisebeth Collins	X			Apr. 29, 2016
Rachel Brand	X			Apr. 29, 2016
David Medine		X		Apr. 29, 2016
James Dempsey		X		Apr. 29, 2016
Patricia Wald		X		Apr. 29, 2016

* All votes were done by notational voting.

CERTIFICATION:



Eric Broxmeyer, General Counsel
Date: Apr. 29, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Legislative Talking Points
Date: May 20, 2016
Record: PCLOB-D-2016-013

DECISION 1:

The Board approves the attached legislative talking points to be relayed orally to the Senate Select Committee on Intelligence prior to their mark-up of the FY17 Intelligence Authorization Act.

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
David Medine	X			May 19, 2016
James Dempsey	X			May 19, 2016
Patricia Wald	X			May 19, 2016
Elisebeth Collins	X			May 20, 2016
Rachel Brand	X			May 20, 2016

* All votes were done by notational voting.

CERTIFICATION:

Eric Broxmeyer

General Counsel
Date: May 20, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

November 3, 2022

Re: PCLOB FOIA 2017-28

This letter is a response to your Freedom of Information Act (“FOIA”) request submitted to the Privacy and Civil Liberties Oversight Board (“PCLOB”) on August 16, 2017 in which you requested “a copy of each PCLOB Decision Memorandum during the years 2016 and 2017.” Our agency previously provided interim responses to you on 10/3/2017, 10/12/2017, and 10/23/2017.

We are continuing to provide records on a rolling basis, and an additional 17 records were located and reviewed that are responsive to your request. After review, I have determined that redactions are appropriate for some of the records pursuant to exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6), which exempts from disclosure “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” I have attached the documents to the email accompanying this letter. Redactions have been clearly marked with the corresponding exemption.

Additional records are still under review by other relevant agencies in the consultation process. Should any records be processed and releasable, the PCLOB will disclose them to you after the formal consultation process.

You may contact me directly or write foia@pclub.gov for further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (“OGIS”) at the National Archives and Records Administration (“NARA”) to inquire about the FOIA mediation services they offer. The contact information for OGIS is Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the PCLOB Freedom of Information Act Appeal Authority, at 800 N. Capitol St., NW, Washington, DC 20002, or you may submit an appeal via email to foia@pclub.gov. Your

appeal must be postmarked or electronically transmitted within ninety calendar days from the date of this letter.

Sincerely,

//S//

Richard Morgan
Freedom of Information Act Officer
202-296-4617

APPROVED FOR RELEASE



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

SOCIAL MEDIA DELEGATION (May 19, 2016)

The Privacy and Civil Liberties Oversight Board (“Board”) delegates the authority to establish and utilize social media accounts (including, but not limited to, Twitter and Facebook) to the Public Affairs Officer (“PAO”).

This delegation authorizes the PAO to utilize social media for announcing the fact of official Board events, activities, reports, and news releases issued, including any such activity of an individual Board member in his or her official capacity. Any subjective or substantive commentary must be separately approved by the Board.

Prior to establishing and utilizing any new social media platform beyond Twitter and Facebook, the PAO shall (1) consult with the General Counsel and the Chief Information Officer, and (2) provide the Board with a description of the platform and how its use will benefit the Board.

The PAO shall utilize social media in accordance with the Deputy General Counsel’s Apr. 4, 2016 Guidance on Agency Social Media Use.



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Internal Agency Procedures for Notational Review and Notational Voting
Date: Apr. 13, 2016
Record: PCLOB D 2016 009

DECISION:

The Board approved the Internal Agency Procedures for Notational Review and Notational Voting.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Patricia Wald	X			Apr. 6, 2016
Elisebeth Collins	X			Apr. 13, 2016
Rachel Brand	X			Apr. 13, 2016
David Medine	X			Apr. 13, 2016
James Dempsey	X			Apr. 13, 2016

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel
 Date: Apr. 13, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Social Media Delegation
Date: May 19, 2016
Record: PCLOB D 2016 012

DECISION 1:

Whether the Board approves the attached social media delegation.

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Rachel Brand	X			May 11, 2016
David Medine	X			May 12, 2016
James Dempsey	X			May 13, 2016
Patricia Wald	X			May 14, 2016
Elisebeth Collins	X			May 19, 2016

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel
Date: May 19, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Revised Records Policy
Date: June 10, 2016
Record: PCLOB-D-2016-014

DECISION 1:

The Board approved the revised Records Policy (2014-002).

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
James Dempsey	X			June 2, 2016
Patricia Wald	X			June 2, 2016
Elisebeth Collins	X			June 9, 2016
Rachel Brand	X			June 9, 2016
David Medine	X			June 10, 2016

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel
Date: June 10, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board

From: Eric Broxmeyer

Re: Recordation of Board Notational Vote on Proposed Revision to Pre-Publication Policy

Date: June 2, 2016

Record: PCLOB-D-2016-015

DECISION 1:

The Board authorized the Pre-Publication Policy (Policy 2014-003) to be revised.

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Patricia Wald	X			June 1, 2016
Elisebeth Collins	X			June 1, 2016
Rachel Brand	X			June 1, 2016
David Medine	X			June 1, 2016
James Dempsey	X			June 1, 2016

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel

Date: June 2, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Sub-Quorum Policy
Date: June 9, 2016
Record: PCLOB-D-2016-019

DECISION:

The Board authorizes the Sub-Quorum Policy to be drafted.

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
James Dempsey	X			June 8, 2016
Patricia Wald	X			June 8, 2016
Elisebeth Collins	X			June 8, 2016
Rachel Brand	X			June 8, 2016
David Medine	X			June 9, 2016

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel
Date: June 9, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on the New GSA-Recommended Long-Term Lease Procurement for the Board's Mandatory Office Move
Date: July 18, 2016
Record: PCLOB D 2016 022

DECISION:

The Board approved pursuing the new GSA recommended long term lease procurement for the Board's mandatory office move, as set forth in the attached project schedule.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Rachel Brand	X			July 16, 2016
James Dempsey	X			July 16, 2016
Patricia Wald	X			July 18, 2016
Elisebeth Collins	X			July 18, 2016

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel
Date: July 18, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on DOE Advice Project
Date: August 8, 2016
Record: PCLOB D-2016 025

DECISION:

The Board decided to exercise its advisory role regarding the Department of Energy (“DOE”)’s draft revised E.O. 12333 Attorney General Procedures.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Patricia Wald		X		Aug. 5, 2016
Elisebeth Collins	X			Aug. 5, 2016
Rachel Brand	X			Aug. 5, 2016
James Dempsey	X			Aug. 8, 2016

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel
Date: August 8, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on EEO Policies
Date: Oct. 8, 2016
Record: PCLOB D 2016 026

DECISIONS:

The Board approved (1) the draft Equal Employment Opportunity (“EEO”) Policy; (2) the draft Anti Harassment Policy; and (3) the draft EEO Process Q&A.

VOTE:

<i>Board Member*</i>	<i>Yes</i>			<i>No</i>			<i>Abstain</i>			<i>Date</i>
	D1	D2	D3	D1	D2	D3	D1	D2	D3	
Elisebeth Collins	X	X	X							Sept. 22, 2016
Rachel Brand	X	X	X							Sept. 22, 2016
James Dempsey	X	X	X							Sept. 22, 2016
Patricia Wald	X	X	X							Sept. 20, 2016

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer ✓

General Counsel
 Date: Oct. 8, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Promotion & Performance Policies
Date: Nov. 11, 2016
Record: PCLOB D-2016 029

DECISIONS

The Board approved (1) the draft Compensation and Promotion Policy; and (2) the revised Performance Evaluation Policy.

VOTES:

<i>Board Member*</i>	<i>Yes</i>		<i>No</i>		<i>Abstain</i>		<i>Date</i>
	D1	D2	D1	D2	D1	D2	
Patricia Wald	X	X					Nov. 2, 2016
Elisebeth Collins	X	X					Nov. 10, 2016
Rachel Brand	X	X					Nov. 10, 2016
James Dempsey	X	X					Nov. 10, 2016

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel
 Date: Nov. 11, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Revised Pre Publication Policy
Date: Nov. 11, 2016
Record: PCLOB D-2016 032

DECISION:

The Board approved the revised Pre Publication Policy.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
James Dempsey	X			Nov. 10, 2016
Patricia Wald	X			Nov. 10, 2016
Elisebeth Collins	X			Nov. 09, 2016
Rachel Brand	X			Nov. 10, 2016

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel
Date: Nov. 11, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board

From: Eric Broxmeyer

Re: Recordation of Board Notational Vote on Audit Exemption

Date: Nov. 22, 2016

Record: PCLOB D-2016 034

DECISION:

The Board decided to request an exemption from the audited financial statement requirement of the Accountability of Tax Dollars Act ("ATDA"), Pub. L. No. 107 289 (2002), by sending the attached request to the Office of Management and Budget ("OMB").

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Elisebeth Collins	X			Nov. 18, 2016
Rachel Brand	X			Nov. 21, 2016
James Dempsey	X			Nov. 21, 2016
Patricia Wald	X			Nov. 22, 2016

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel
Date: Nov. 22, 2016



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

MEMORANDUM

From: Board Members

To: Board Staff

Date: Jan. 6, 2017

Re: Revised Organizational Chart

The Board has approved a revised organizational chart to take effect on Jan. 6, 2017. The Board directs the Chief Management Officer (“CMO”) to amend any affected staff position descriptions, in consultation as needed with the General Services Administration.

The revised organizational chart divides the Board’s administrative functions and substantive mission functions. The Executive Director (“ED”) will supervise the Board’s substantive mission functions and will continue to report directly to the Board. The CMO will supervise administrative functions and will now report directly to the Board. The General Counsel (“GC”) will also continue to report directly to the Board; the GC’s functions remain unchanged. The role of Board Counselors also remains unchanged.

The substantive functions under the ED’s supervision will include: the Board’s advice and oversight projects conducted under Sections 42 U.S.C. §§ 2000ee(d)(1) and (d)(2) of the Board’s organic statute; the process of selecting new advice and oversight projects; other substantive projects assigned to the Board by the Board’s organic statute or by Executive Order, such as Privacy and Civil Liberty Officer 803 reports received under Section 42 U.S.C. § 2000ee(d)(3)(A) of the Board’s organic statute, the Department of Homeland Security’s report consultation under Executive Order 13636, Improving Critical Infrastructure Cybersecurity § 5(c) (Feb. 12, 2013), and the report requested by Presidential Policy Directive 28, Signals Intelligence Activities § 5(b) (Jan. 17, 2014); and the legislative affairs and public relations functions of the Board. The ED will also continue to serve as the Chief Freedom of Information Act Officer and Senior Agency Official for Records. The ED will supervise attorneys and analysts performing these functions.

The administrative functions under the CMO’s supervision will include contracts; finance and expenditures; internal controls; human resources and personnel matters, except for Equal Employment Opportunity (“EEO”) matters that remain with the Board and EEO officials pursuant to its policies (Policy 2016-002 and Policy 2016-003); budget formulation and implementation; coordination with shared services providers; information

technology; and security. The CMO will also serve as the Telework Management Officer. The CMO will supervise all staff performing these functions. The Chief Information Officer (“CIO”) will report to the CMO under the revised organizational chart, but will have direct access to the Board for the purposes of regular updates and briefings on information technology and information security matters as required by the CIO role.

The CMO and ED shall consult each other in fulfilling responsibilities that impact the other’s areas of responsibility. For example, the CMO shall seek the ED’s views before presenting a draft budget to the Board. The ED may present any contrary views to the Board during its consideration of the budget.

Although the Legislative Affairs Officer (“LAO”) reports to the Executive Director, the LAO shall assist the CMO in interactions with the House and Senate Appropriations Committees.

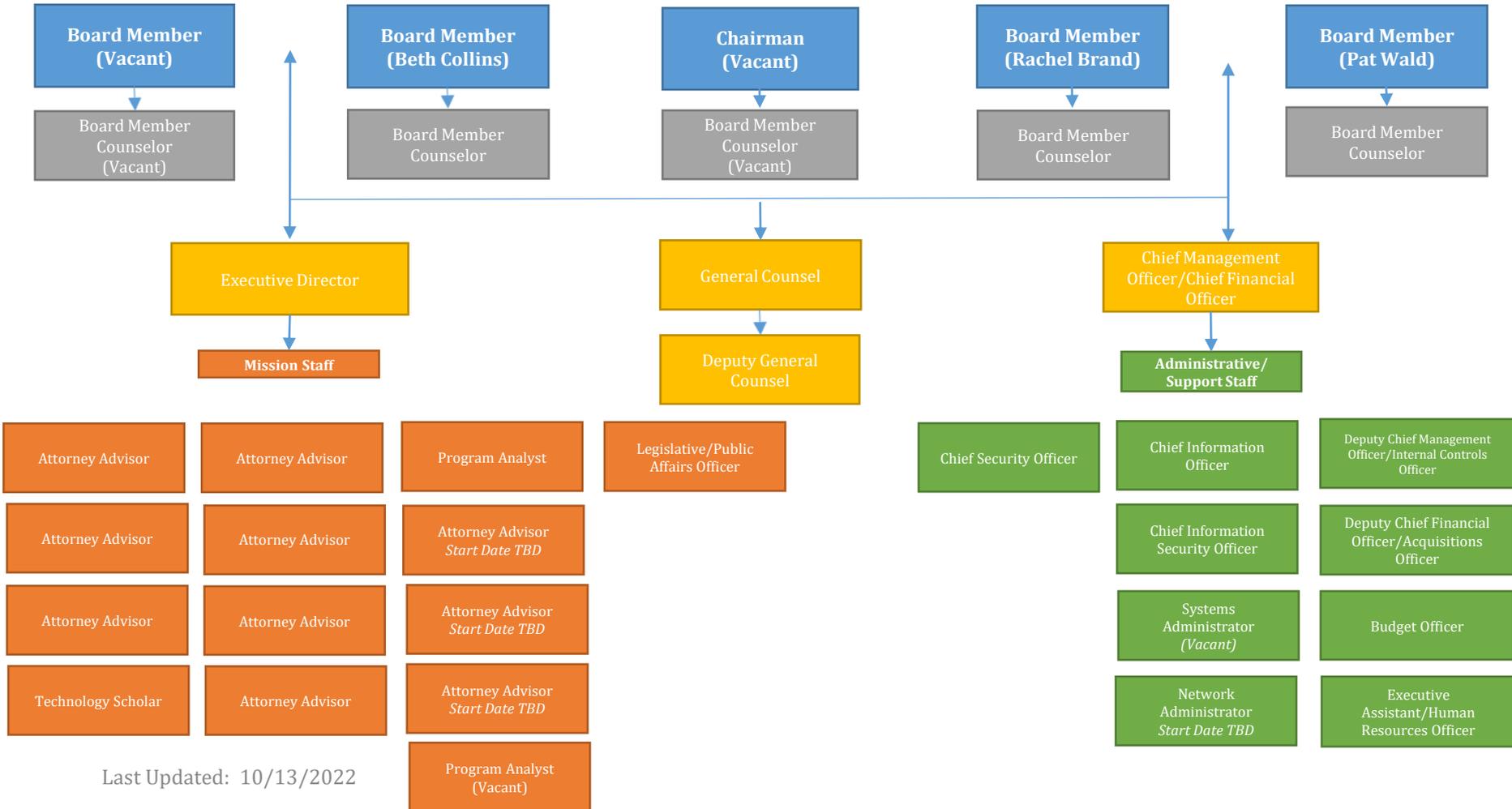
Notwithstanding the CMO’s primary responsibility for personnel and human resources functions, telework policy, and budget, the ED shall have the authority to make certain individual decisions affecting staff under his or her supervision, within the parameters of Board policy. For example:

- The ED shall remain the Rating official for Board staff under her supervision and will be responsible for recommending to the Chairman (or the Board in the absence of a Chairman) any promotions, salary increases, or discipline for those staff.
- The ED will be responsible for making any individual telework approvals for staff under her supervision, so long as they are consistent with the Board’s overall telework policy (Policy 2013-008).
- The Board’s annual budget shall include a line item for attorney training and a line item for administrative staff training. Within the constraints of that budget, the ED will be responsible for approving individual instances of attorney training. Likewise, the CMO shall be responsible for approving individual instances of administrative staff training.

The Board has approved this reorganization solely to improve the structure and efficiency of the Board’s operations, especially given the Board’s growth over the past few years. None of these organizational changes are intended to reflect upon the performance of any staff members, who continue to demonstrate dedication and diligence in their work. The Board expects all staff members to support and facilitate this reorganization in a professional and collegial manner so that the Board can be successful in all aspects of its mission and administrative responsibilities.



Privacy & Civil Liberties Oversight Board (PCLOB) Organizational Chart





PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Reorganization
Date: Jan. 6, 2017
Record: PCLOB D 2017 001

DECISION:

The Board reorganized its mission and administrative functions in accordance with the attached memorandum and organization chart.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Rachel Brand	X			Jan. 5, 2017
Patricia Wald	X			Jan. 5, 2017
Elisebeth Collins	X			Jan. 6, 2017

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel
Date: Jan. 6, 2017



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

To: Privacy and Civil Liberties Oversight Board
From: Eric Broxmeyer
Re: Recordation of Board Notational Vote on Amended FOIA Regulation
Date: Jan. 6, 2017
Record: PCLOB-D-2017-002

DECISION:

The Board approved the amended Freedom of Information Act ("FOIA") regulation, which will be submitted to the Federal Register as a direct final rule.

VOTE:

<i>Board Member*</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Date</i>
Patricia Wald	X			Jan. 5, 2017
Elisebeth Collins	X			Jan. 5, 2017
Rachel Brand	X			Jan. 6, 2017

* All votes were done by notational voting.

CERTIFICATION:

(b) (6)

Eric Broxmeyer

General Counsel
Date: Jan. 6, 2017