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Description of document: Two records from the Department of Justice (DOJ) Privacy and Civil Liberties Board, 2006-2007

Requested date: 27-November-2007

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Date/date range of document: See Note below

Source of document: Chief of Staff
Office of Information Policy
Department of Justice
Suite 11050
1425 New York Avenue, NW
Washington, D.C. 20530-0001
Email: DOJ.OIP.Initial.Requests@usdoj.gov

Note: The one meeting agenda provided is dated April 17, 2006.
The second record provided is undated.

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U.S. Department of Justice

Office of Information and Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

JUL 18 2011

Re: DAG/10-R0130
CLM:DRH:JBG

This is a final response to your Freedom of Information Act (FOIA) request dated November 27, 2007, and received in this Office on December 11, 2007, in which you requested copies of minutes and agendas from meetings of the Department of Justice Privacy and Civil Liberties Board for the time period of March 10, 2006 to the present. This response is made on behalf of the Office of the Deputy Attorney General.

Please be advised that a search was conducted in the Office of the Deputy Attorney General, and two documents, totaling thirteen pages, were located that are responsive to your request. I have determined that one document, totaling one page, is appropriate for release without excision and a copy is enclosed. The remaining document, totaling twelve pages, is appropriate for release with an excision made pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 522(b)(6), which pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of a third party.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001. Your appeal must be received within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Carmen L. Mallon
Chief of Staff

Enclosures

Department of Justice
Privacy and Civil Liberties Board
Meeting, April 17, 2006

AGENDA

1. Opening Remarks, Deputy Attorney General Paul McNulty
2. Operation and Staffing of DOJ Privacy and Civil Liberties Board, Chairman Jane Horvath
3. Introduction of Members
4. Roundtable Discussion on PCLB's Goals
5. Sub-group Sign-up
6. Next Board Meeting Scheduled for Thursday, May 18, 2006 at 10:00 a.m.



PRIVACY AND CIVIL LIBERTIES
OFFICE

Why?

- Congress has been using the appropriations process in 2004, 2005 and 2006 to urge DOJ to designate a senior official to oversee the handling of civil liberties issues. requested that DOJ take action.
 - In January, Congress passed the Department of Justice Reauthorization Act of 2005 mandating that the Attorney General designate a senior official in the Department of Justice to assume primary responsibility for privacy policy. The Act provided that the responsibilities of such official shall include advising the Attorney General regarding
 - (1) appropriate privacy protections, relating to the collection, storage, use, disclosure, and security of personally identifiable information, with respect to the Department's existing or proposed information technology and information systems;
 - (2) privacy implications of legislative and regulatory proposals affecting the Department and involving the collection, storage, use, disclosure, and security of personally identifiable information;
 - (3) implementation of policies and procedures, including appropriate training and auditing, to ensure the Department's compliance with privacy-related laws and policies, including the Privacy Act and the E-Government Act of 2002;
 - (4) ensuring that adequate resources and staff are devoted to meeting the Department's privacy-related functions and obligations;
 - (5) appropriate notifications regarding the Department's privacy policies and privacy-related inquiry and complaint procedures; and
 - (6) privacy-related reports from the Department to Congress and the President
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Chief Privacy and Civil Liberties Officer

- Jane Horvath
 - Prior to her appointment at DOJ, she was at Privacy Laws & Business, a privacy consulting firm based in the United Kingdom, where she was the Director of their Washington, D.C. office.
 - She was formerly Assistant General Counsel of America Online, Inc. and General Counsel of Digital City, Inc., a subsidiary of America Online, where she assisted in the drafting of the first privacy policy for the America Online Service.
 - Prior to working at America Online, she was an Associate at Hogan & Hartson, where her focus was on the representation of high technology clients. She started her legal career at Gibson, Dunn & Crutcher.
 - She received a Bachelors of Science degree in Computer Science from the College of William and Mary and her Juris Doctor from the University of Virginia.
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The Privacy and Civil Liberties Office

- Deputy (open)
 - Kirsten Moncada
 - Formerly, Associate Director, OIP
 - Over 15 years of experience with the Privacy Act
 - Responsible for Privacy Act issues, Civil Liberties Issues and Privacy Impact Statements
 - Joo Chung
 - Former Senior Attorney in OIP focusing on Privacy Act
 - Responsible for Privacy Act issues and Information Sharing
 - Niels Quist
 - Former Attorney Advisor, OIP and exemption 6 FOIA specialist
 - Responsible for Privacy Act issues, Information Sharing and Privacy Impact Statements
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What We Do

- Internal education and outreach efforts to imbue a culture of privacy and a respect for fair information principles across the Department.
 - Encourage and demand at all times an adherence to the letter and the spirit of laws promoting privacy, including the Privacy Act of 1974 and the E-Government Act of 2002, as well as widely accepted concepts of fair information principles and practices.
 - Refine DOJ's policies relating to the protection of individual civil liberties specifically in the context of the DOJ's counterterrorism and law enforcement efforts; and coordinate the work of DOJ relating to the protection of privacy and civil liberties.
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The Mission of the PCLB

- Examine the activities of the Department to ensure that it continues to fully protect the privacy and civil liberties of all Americans.
 - Recommend policies, guidelines and other administrative actions.
 - Refer credible information pertaining to possible privacy or civil liberties violations by any federal employee or official to the appropriate office for prompt investigation.
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Structure of the Board

Three Committees

- Outreach Committee
 - Data Collection, Aggregation and Maintenance Committee
 - Law Enforcement and National Security Committee
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Outreach Committee

- Interface with Privacy and Civil Liberties Organizations
 - Interface with Arab-American, Muslim American, Ethnic and Religious Communities
 - Work with Civil Rights Division Interagency working group with Arab, South Asian and Sikh community groups
 - Ensure all groups are represented
 - Work with other ethnic and religious groups
-

Data Collection, Aggregation and Maintenance Committee

- Policy Regarding Use of Commercial Reseller Information
 - Definition: Information resellers are companies that collect information, including personal information about consumers, from a wide variety of sources for the purpose of reselling such information to their customers, which include both private section businesses and government agencies.
 - GAO Report entitled PERSONAL INFORMATION: Agency and Reseller Adherence to Key Privacy Principles
 - Center for Democracy and Technology Paper on Commercial Resellers
 - House Subcommittee On Commercial And Administrative Law Hearing On Federal/Private Use Of Personally Identifiable Information transcript
 - DHS Privacy Office Report entitled *Privacy And Technology: Exploring Government Use Of Commercial Data For Homeland Security – A Roadmap For The Future*
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Data Collection, Aggregation and Maintenance Committee

- Policy to protect the Privacy and Civil Liberties of Americans in Mass Data Collections. E.g. accuracy, relevancy, redundancy, timeliness.
 - Information Sharing issues. E.g. transfer of US Person Data to Foreign entities.
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Law Enforcement and National Security Committee

- Redress
 - Terrorist Screening Center Redress Memorandum
 - How to give redress when public has no right to access?
 - DNA Partial Match the identifies close family members
 - Issues to be brought by Committee Members to secure committee meetings
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Next Steps

- Sign up for Committees at the end of the meeting.
- CPCLO will arrange time for each committee to hold first meeting.
- Meetings will be held the third Thursday of each month.

Contact:

Jane Horvath

Room 4218 RFK Main

202-514-0049 (tel)

 (cell)

FOIA Exemption 6
