

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
PROGRAM MANAGER, INFORMATION SHARING ENVIRONMENT  
WASHINGTON, DC 20511

September 10, 2007

MEMORANDUM FOR THE SECRETARY OF STATE  
THE SECRETARY OF THE TREASURY  
THE SECRETARY OF DEFENSE  
THE ATTORNEY GENERAL  
THE SECRETARY OF THE INTERIOR  
THE SECRETARY OF COMMERCE  
THE SECRETARY OF LABOR  
THE SECRETARY OF HEALTH AND HUMAN SERVICES  
THE SECRETARY OF TRANSPORTATION  
THE SECRETARY OF ENERGY  
THE SECRETARY OF HOMELAND SECURITY  
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET  
DIRECTOR, OF NATIONAL INTELLIGENCE  
DIRECTOR, OF THE CENTRAL INTELLIGENCE AGENCY  
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION  
DIRECTOR, NATIONAL COUNTERTERRORISM CENTER

SUBJECT: *Issuance of Privacy and Civil Liberties Implementation Guide for the Information Sharing Environment*

REFERENCE: *Guidelines to Ensure that the Information Privacy and Other Legal Rights of Americans are Protected in the Development and Use of the Information Sharing Environment*

This memorandum issues the attached *Privacy and Civil Liberties Implementation Guide for the Information Sharing Environment* to federal departments and agencies (agencies) for use in implementing the *Guidelines to Ensure that the Information Privacy and Other Legal Rights of Americans are Protected in the Development and Use of the Information Sharing Environment* (the Privacy Guidelines). The President, through issuance of his December 16, 2005, memorandum entitled, "Memorandum to the Heads of Federal Departments and Agencies on the Guidelines and Requirements in Support of the Information Sharing Environment," clearly establishes the protection of privacy and other legal rights of Americans in the development and operation of the Information Sharing Environment (ISE) as a core tenet of the ISE. This memorandum identifies the Privacy Guidelines as an ISE priority.

It is critical to the creation of a trusted ISE that agencies make their implementation of the Privacy Guidelines a major focus. Specifically, the Privacy Guidelines require each federal agency to develop and implement a written ISE privacy protection policy that sets forth the mechanisms, policies, and procedures the agency will follow in implementing the Privacy Guidelines.

To assist federal agencies that are undertaking this effort, I am issuing the *Privacy and Civil Liberties Implementation Guide* (the Implementation Guide). Federal agencies are

encouraged to use the Implementation Guide as a tool to formulate and structure each agency's current and ongoing implementation of the Privacy Guidelines. The Implementation Guide will help agencies implement the Privacy Guidelines uniformly across the Federal Government, avoid duplication of effort, and ensure consistent interpretations of legal requirements in the Privacy Guidelines.

The Implementation Guide suggests a methodology for agencies to use in identifying their current privacy and civil liberties protection activities, assessing whether current efforts comply with the Privacy Guidelines provisions and requirements, and then applying those protections to information sharing arrangements in the ISE. It provides resources and best practices to facilitate implementation of the protections and safeguards required by the Privacy Guidelines. The Implementation Guide is not meant to be prescriptive; rather the actual process of implementation can be tailored by each agency to fit its unique environment, including the use of existing agency processes.

The Implementation Guide was developed by the Privacy Guidelines Committee (PGC), which was established by the Office of the Program Manager for the Information Sharing Environment (PM-ISE) pursuant to the ISE Privacy Guidelines. The PGC consists of the ISE Privacy Officials of the agencies comprising the Information Sharing Council (ISC). The PGC is chaired by the Office of the Director of National Intelligence and the U.S. Department of Justice. The Implementation Guide was provided by the PGC for review by each agency's designated Privacy Official to consider whether the Implementation Guide reflected the overall needs and requirements to accomplish the implementation of the Privacy Guidelines across all federal agencies. On August 22, 2007, the PGC approved the Implementation Guide and referred it to the Information Sharing Council (ISC). Subsequently the ISC concurred with the Implementation Guide for issuance by the PM-ISE.

Additionally, the Implementation Guide will be used by the PM's Office and the PGC as the basis for training federal agencies on the requirements of the Privacy Guidelines. This training will include how to use the Implementation Guide to assist agencies in implementation of and compliance with the Guidelines.

Responsibility for the implementation of the Privacy Guidelines falls directly to each individual agency. Nevertheless, as the protection of privacy and other legal rights of Americans is one of the Presidents's ISE priorities, my office will monitor and assess the implementation of the Privacy Guidelines by agencies to ensure adequate progress and policy compliance, as well as to provide regular reports to Congress. In addition, the PGC will continue to provide additional guidance, as necessary, on the implementation of the Privacy Guidelines. To facilitate the work of the PGC, each agency is asked to share with the PGC its ISE privacy protection policy, not for approval, but to enable it to better anticipate and resolve interagency issues, ensure that agency policies reflect consistent interpretations by the PGC, and respond to requests regarding the status of the Guidelines implementation. The Implementation Guide will be reviewed and updated periodically with additional guidance, best practices, and lessons learned from implementation activities.

The point of contact for this effort is Josh K. Weerasinghe at (202) 331-0629 or joshkw@dni.gov.



Thomas E. McNamara

Attachment:

- A. Privacy and Civil Liberties Implementation Guide for the Information Sharing Environment

cc: Privacy Guidelines Committee Cochairs