



Central Intelligence Agency

Office of

Privacy and Civil Liberties



803 Annual Report to Congress

2023

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March 21, 2024

I am pleased to present the Section 803 Report of the Central Intelligence Agency's (CIA) Office of Privacy and Civil Liberties (OPCL), covering the period of January 1, 2023 to December 31, 2023.

As detailed in this report, OPCL advises components and senior agency officials regarding the protection of privacy and civil liberties in the conduct of the Agency's authorized intelligence mission and to conduct reviews to ensure CIA fulfills its obligation to appropriately protect the privacy rights and civil liberties of every American.

A handwritten signature in black ink, appearing to read "Mark J. Mouser", with a long horizontal line extending to the right.

Mark J. Mouser
Privacy and Civil Liberties Officer
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Table of Contents

Contents

I. Purpose and Scope	5
II. Overview of the Office of Privacy and Civil Liberties	5
III. Notable Initiatives	6
CIA’s Executive Order 12333 Attorney General Guidelines	6
Executive Order 14086 Enhancing Safeguards for United States Signals Intelligence....	7
Artificial Intelligence	8
Privacy and Civil Liberties Oversight Board Engagement.....	8
Workforce Engagement.....	9
Interagency Engagement	9
Public Engagement	10
IV. Representative Examples and Metrics	11
Advice	11
Reviews.....	12
Complaints	13
V. Conclusion	14

I. Purpose and Scope

The Central Intelligence Agency (“CIA” or “Agency”) submits this Annual Report of the CIA’s Office of Privacy and Civil Liberties (OPCL) summarizing the activities of the CIA Privacy and Civil Liberties Officer (PCLO) for calendar year 2023, in accordance with Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, as amended (hereinafter, the Implementing Recommendations of the 9/11 Commission Act).¹ Section 803 of the Implementing Recommendations of the 9/11 Commission Act was amended in 2022 to change the reporting period from biannually to annually. This Annual Report, the first under the new annual requirement, provides an overview of the activities of the PCLO and a summary of notable initiatives undertaken during the reporting period.

The Annual Report also provides representative examples of the type of advice provided; the number and type of privacy and civil liberties reviews undertaken; and the number, nature, and disposition of complaints received. As required by statute, this Annual Report has been prepared to the greatest extent possible in unclassified form.² As such, there is no classified annex to this report.

II. Overview of the Office of Privacy and Civil Liberties

CIA’s OPCL is led by the PCLO, a senior Agency official who carries out statutory authorities to safeguard privacy and civil liberties in CIA intelligence operations, policies, programs, and technologies. In accordance with the Implementing Recommendations of the 9/11 Commission Act,³ the CIA PCLO serves as the principal advisor to the Director of CIA (DCIA) with the following responsibilities:

- Assist the DCIA and other Agency officials in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;
- Periodically investigate and review CIA actions, policies, procedures, guidelines, and related laws and their implementation to ensure the CIA is adequately considering privacy and civil liberties in its actions;
- Ensure the CIA has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege that CIA has violated their privacy or civil liberties; and
- In providing advice on proposals to retain or enhance a particular governmental power available to CIA, include consideration of whether the Agency has established that (i) the need for the power is balanced with the need to protect privacy and civil

¹ 42 U.S.C. § 2000ee-1(f) (2018).

² *Id.* § 2000ee-1(g) (2018).

³ *Id.* § 2000ee-1(a) (2018).

liberties; (ii) that there is adequate supervision of the use by CIA of the power to ensure protection of privacy and civil liberties; and (iii) that there are adequate guidelines and oversight to properly confine its use.

The PCLO also serves as the CIA's designated Senior Agency Official for Privacy (SAOP) and the CIA Information Sharing Environment (ISE) Privacy Official. As the SAOP, the PCLO represents CIA on the [Federal Privacy Council](#) (FPC), the principal interagency forum established by Executive Order 13719⁴ to improve privacy practices at agencies across the Federal Government. The PCLO also serves as the CIA's liaison to the Privacy and Civil Liberties Oversight Board (PCLOB).

The PCLO has the additional duty and responsibility of serving as CIA's Transparency Officer, in support of the [Principles of Intelligence Transparency for the Intelligence Community](#). In this role, the PCLO proactively engages in various initiatives to enhance public understanding of intelligence activities needed to accomplish the national security mission.

A team of dedicated privacy and civil liberties officers supports the PCLO, who works closely with the Office of the Director, other Agency Directorates, Mission Centers, and components to ensure privacy and civil liberties safeguards are fully considered in the day-to-day conduct of the Agency's complex and varied intelligence mission. OPCL officers have diverse experience from across the CIA, executive branch agencies, and other Intelligence Community (IC) elements. OPCL officers receive specialized training in privacy and civil liberties and have backgrounds in law, information management, intelligence collection, intelligence analysis, and security. In addition, the PCLO and OPCL receive dedicated legal advice from a specialized data privacy attorney from CIA's Office of General Counsel.

III. Notable Initiatives

The following sections provide a brief summary of several notable initiatives undertaken during the reporting period.

CIA's Executive Order 12333 Attorney General Guidelines

Executive Order 12333 (EO 12333), United States Intelligence Activities, requires that the CIA collect, retain, and disseminate intelligence information concerning U.S. persons in accordance with procedures established by the Director of the CIA and approved by the Attorney General, after consultation with the Director of National Intelligence. While the CIA's revised implementing procedures (hereinafter, the Attorney General Guidelines)⁵ provide the framework for ensuring that the CIA engages in its foreign intelligence, counterintelligence, and covert

⁴ Executive Order 13719, 81 Fed. Reg. 30 (Feb. 9, 2016), available at <https://www.govinfo.gov/content/pkg/DCPD-201600060/pdf/DCPD-201600060.pdf>

⁵ See <https://www.cia.gov/static/54871453e089a4bd7cb144ec615312a3/CIA-AG-Guidelines-Signed.pdf>. A comprehensive explanation of the CIA Attorney General Guidelines can be found at <https://www.cia.gov/static/100ea2eab2f739cab617eb40f98fac85/Detailed-Overview-CIA-AG-Guidelines.pdf>

action missions in support of national security objectives in a manner that respects Americans' privacy rights and civil liberties, it is critical to note that the Attorney General Guidelines represent only one aspect of the authorizations and restrictions on the CIA's intelligence activities.

Consistent with OPCL's statutory role to conduct reviews, OPCL has been delegated the responsibility to provide advice and assistance to senior CIA officials regarding privacy and civil liberties concerns in implementing the Attorney General Guidelines. During this reporting period, OPCL continued to support implementation of the Attorney General Guidelines by meeting to ensure teams have the processes to preempt threats and further U.S. national security objectives by collecting foreign intelligence and counterintelligence in a lawful and appropriate manner with full consideration of the rights of U.S. Persons, including freedoms, privacy rights and civil liberties. Additionally, OPCL worked with appropriate stakeholders to assist the Agency in deploying a capability to more sufficiently capture the justifications for certain queries designed to retrieve information concerning a U.S. person, in accordance with the Attorney General Guidelines.⁶

Executive Order 14086 Enhancing Safeguards for United States Signals Intelligence

In October 2022 the White House released Executive Order 14086 (EO 14086), *Enhancing Safeguards for United States Signals Intelligence*.⁷ EO 14086 established safeguards that enhance privacy and civil liberties throughout the course of the United States' signals intelligence activities. While a robust signals intelligence capability has enabled the United States to protect our security interests and that of our allies and partners, the CIA recognizes that all persons should be treated with dignity and respect, regardless of their nationality or wherever they might reside, and that all persons have legitimate privacy interests in the handling of their personal information. As such, EO 14086 established, among other requirements, a mechanism for concerned citizens of qualified states⁸ to obtain review, and if warranted, redress for covered violations of US law.

Throughout 2023, OPCL was instrumental in ongoing efforts to incorporate EO 14086 requirements into CIA's practices. These efforts included significant updates and revisions to CIA policies and regulations⁹, and the drafting of a redress procedure to meet the requirements of EO 14086.

⁶ See CIA Attorney General Guidelines § 6.2.3 (2017) (Querying of unevaluated information subject to exceptional handling requirements).

⁷ Executive Order 14086, 87 Fed. Reg. 62283 (Oct. 7, 2022), available at <https://www.govinfo.gov/content/pkg/DCPD-202200894/pdf/DCPD-202200894.pdf>.

⁸ See <https://www.justice.gov/opcl/executive-order-14086> for the Attorney General's approved list of qualified states.

⁹ See https://www.cia.gov/static/f812ca58dfc4d92e6f791cbe4bb39f/CIA_EO_14086_Procedures.pdf

Artificial Intelligence

The Artificial Intelligence¹⁰ (AI) landscape saw unprecedented growth in 2023. The rapid evolution of large language models and the expanding use of chatbots such as OpenAI's ChatGPT helped to elevate AI as a prominent feature in OPCL's privacy portfolio. It is broadly acknowledged that AI's reliance on large amounts of data, used to train increasingly sophisticated algorithms, carries inherent data privacy risks. OPCL worked internally with CIA elements to ensure risk management was an important consideration in the Agency's effort to leverage AI technology. OPCL officers also collaborated with the CIA's IC partners, and in some instances foreign partners, to share information on the development of AI governance and policy structures. During the reporting period, OPCL was a key stakeholder in the CIA's AI governance and policy initiatives and IC efforts to develop standards for ethical AI. Notably, OPCL participated in the interagency process of reviewing Executive Order 14110 (EO 14110) on *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*¹¹ and co-hosted an AI ethics symposium with a slate of recognized experts on ethical considerations for governance, design and procurement of AI. OPCL officers also participated in a range of AI-related conferences and working groups, including privacy and transparency discussions within the IC and National Security Council on how to best incorporate privacy and transparency needs in the forthcoming National Security Memorandum for AI.

Privacy and Civil Liberties Oversight Board Engagement

OPCL continued to engage on substantive issues with the PCLOB during the reporting period. The PCLOB is an independent, bipartisan agency within the Executive Branch established by the Implementing Recommendations of the 9/11 Commission Act.¹² The PCLOB's enabling statute vests it with two fundamental authorities: (i) to review and analyze actions the Executive Branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties, and (ii) to ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation from terrorism.

During this reporting period, OPCL maintained regular engagement with the PCLOB and Throughout 2023, OPCL worked to implement PCLOB recommendations from two Deep Dives into CIA EO 12333 programs. Additionally, PCLO provided input to multiple ongoing reviews, including the PCLOB's recommendations on the reauthorization of Section 702 of the

¹⁰ The term "Artificial Intelligence" refers to a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments. Artificial Intelligence systems use machine and human-based inputs to (A) perceive real and virtual environments; (B) abstract such perceptions into models through analysis in an automated manner, and (C) use model inference to formulate options for information or action. National Artificial Intelligence Act, Pub. L. No. 116-283 § 5001(e).

¹¹ Executive Order 14110, 88 Fed. Reg. 75191 (Oct. 30, 2023) available at <https://www.govinfo.gov/content/pkg/FR-2023-11-01/pdf/2023-24283.pdf>.

¹² 42 U.S.C. § 2000ee-1(a) (2018).

Foreign Intelligence Surveillance Act (FISA).¹³

Workforce Engagement

OPCL provides numerous educational and training opportunities for the Agency workforce to increase awareness of privacy and civil liberties requirements, protections, and resources. During this reporting period, OPCL engaged with CIA software developers and program managers to update web-based privacy training for the CIA workforce. In addition to online training, OPCL also offered in-person training regarding the requirements of the Privacy Act of 1974 (hereinafter Privacy Act)¹⁴, and the safeguarding of Personally Identifiable Information (PII)¹⁵ in Agency systems.

As reported in OPCL's previous submission under Section 803,¹⁶ OPCL undertook in 2022 a substantial effort to update all of CIA's System of Records Notices (SORNs). SORNs are required under the Privacy Act to be updated and published publicly to be transparent about how CIA collects, uses, shares, and disposes of records about US citizens and Lawful Permanent Residents. During this reporting period OPCL conducted several training sessions to educate CIA's data managers, IT specialists, and general Agency population on the updated SORNs and the transparency requirements.

Additionally, OPCL drafted and published internal guidelines, that prescribe how the CIA identifies and responds to breaches of PII. Specialized briefings were provided to various components within the Agency; for example, OPCL provided Privacy Act training to security officers conducting personal property searches of people entering CIA facilities and to security officers overseeing protection of electronic systems. In an effort to raise workforce awareness of privacy and civil liberty issues, OPCL partnered with the CIA's Office of General Counsel to celebrate Constitution Day. These Constitution Day events ensured the workforce understands how OPCL's authorities, oversight, and mission relate to the Constitution.

Interagency Engagement

OPCL serves as CIA's focal point for interactions with counterpart privacy and civil liberties organizations within the ODNI, the Office of Management and Budget (OMB), the Department of Justice (DOJ), Intelligence Community (IC) elements, and other departments and agencies within the Executive Branch, regarding privacy and civil liberties matters.

Representative examples of interagency engagement include the following:

- Worked with IC partners to teach AI ethics and raise awareness of the IC's

¹³ 50 U.S.C. § 1881a.

¹⁴ 5 U.S.C. § 552a.

¹⁵ "Personally Identifiable Information (PII) refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual." OMB M-17-12, "Preparing for and Responding to a Breach of Personally Identifiable Information." January 3, 2017.

¹⁶ See, <https://www.cia.gov/static/084971c8eeb73f0b2e94951828ab7071/OPCL-July-2019-December-2022.pdf>

[Principles of AI Ethics for the Intelligence Community](#) and the [AI Ethics Framework for the Intelligence Community](#);

- Met with privacy and civil liberties offices from other IC elements to exchange best practices and provide guidance;
- Coordinated with IC partners on the implementation of EO 14086;
- Partnered on various events and spoke on panels at the Federal Privacy Summit hosted by the FPC;
- Provided guidance at the FPC Boot Camp on protecting privacy and civil liberties in the IC;
- Participated in numerous Interagency Policy Committee and subordinate level committee meetings on topics such as privacy and civil liberties, AI, and refugee vetting;
- Participated in [FPC](#) meetings and other interagency groups, such as the Intelligence Community Civil Liberties Privacy Council;¹⁷ and
- Coordinated with the national vetting enterprise in an interagency effort to ensure that the use of intelligence information in vetting determinations conforms to appropriate privacy, civil rights, and civil liberties protections.

Public Engagement

Consistent with the *[Principles of Intelligence Transparency for the Intelligence Community](#)*, OPCL conducts activities to inform the public about the laws, directives, authorities, and policies governing intelligence activities and the compliance and oversight frameworks in place that ensure such activities are conducted in a manner that respects privacy and civil liberties.

OPCL officers participated in panel discussions, university and law school outreach events, and various summits, conferences and symposia. Representative examples include events sponsored by New York University, the National Academy of Sciences, the International Association of Privacy Professionals, Massachusetts Institute of Technology, as well as panel discussions at the 2023 RSA Cyber Security Conference, and the International Intelligence Oversight Forum.

The CIA's PCLO participated in an IC engagement with various Civil Society organizations with an interest in reauthorization of FISA Section 702. These meetings, sponsored by ODNI, were designed to ensure the IC had the opportunity to engage with reform minded

¹⁷ Created by the White House in 2016, the FPC is an interagency structure that supports Federal agencies in protecting privacy rights through various means, including promoting collaboration between Federal privacy personnel, developing recommendations for the Office of Management and Budget, informing government-wide priorities, and identifying more effective ways to protect privacy rights.

groups who have expressed privacy and civil liberty concerns over reauthorization of FISA Section 702.

OPCL also manages content on the OPCL's page of the CIA's public website. The information posted on this site explains the role of OPCL, provides instructions on how members of the public can file a privacy or civil liberties complaint, and provides access to oversight reports and the CIA's [SORNs](#).¹⁸ In addition to CIA.gov, CIA's SORNs can be accessed on the *Federal Register's* website.

IV. Representative Examples and Metrics

In addition to the notable initiatives discussed above, this section describes representative examples and metrics regarding the activities of OPCL in carrying out the PCLO statutory responsibilities during the period covered in this report in each of the areas enumerated in Section 803 of the Implementing Recommendations of the 9/11 Commission Act.

Advice

OPCL provides advice to CIA components to ensure Agency programs and activities incorporate appropriate privacy and civil liberties protections. Advice includes providing information, guidance or assistance to Agency components. Advisory activities are generally forward-looking and may involve a proposed course of action or providing comments on a proposed rule, policy, or guidance. During this reporting period, OPCL provided advice to various Agency Directorates and components, ODNI, other IC elements, and Executive Branch agencies on matters ranging from inter-agency initiatives to requests for advice regarding the Privacy Act, the proper handling of PII, administration of information technology systems, implementing guidelines, and other matters.

Representative examples include the following:

- Provided advice in support of CIA's AI strategy;
- Advised CIA components on how to identify and respond to breaches, incidents, Privacy Act violations, and Privacy Act disclosures;
- Provided input, guidance, and advice to CIA components on the implementation of the CIA Attorney General Guidelines;
- Conducted meetings with Agency offices and components, including system developers, to advise on Privacy Act mandates and the applicability of System of Records requirements;
- Continued to provide substantive input and comments on proposed policy

¹⁸ SORNs are public-facing documents published in the Federal Register which inform the public of the existence of records and provides notice to the public of their rights and procedures under the Privacy Act of 1974, as amended.

initiatives or frameworks on matters involving security, data access, and training requirements to ensure the appropriate consideration of privacy and civil liberties in Agency activities;

- Provided privacy-related training recommendations to CIA components and curriculum input to training course developers;
- Provided advice regarding business processes and systems that provide administrative support to CIA; and
- Provided advice regarding privacy and civil liberties protections in CIA's workforce implementation of White House requirements.

Reviews

OPCL reviews CIA systems, processes, programs, and activities to ensure adherence to applicable laws, regulations, and policies, such as the Privacy Act and the Attorney General Guidelines.

For the purposes of this report, reviews are distinguished from the provision of advice insofar as a review consists of an assessment regarding whether an existing system, process, program, or activity complies with law, regulation, or policy, in contrast to providing advice, which consists of assessing a proposed system, action, or procedure. A review may be formal and responsive to a complaint or responsive to OPCL's periodic investigation and review of Agency systems, processes, programs, or activities. Often, several separate actions may take place to complete a review. When there is one output, such as a report, these actions will be counted as one review.

OPCL conducted a review of CIA programs and activities that are subject to Section 804 of the Implementing Recommendations of the 9/11 Commission Act of 2007, also known as the Federal Agency Data Mining Reporting Act of 2007.¹⁹ The results of the review were submitted to congress in the CIA's 2022 Data Mining Report. A copy of the report can be downloaded at www.cia.gov/about/organization/privacy-and-civil-liberties.

OPCL continued to review CIA processes, procedures, systems, and activities in 2023. Throughout the year, OPCL reviewed new and updated CIA operating regulations and guidelines, participated in the accreditation process for information systems, reviewed reports on data breaches and the results of Inspector General reviews. As part of CIA's commitment to the *Principles of Intelligence Transparency for the Intelligence Community*, OPCL consulted with the PCLOB and ODNI to release materials related to the PCLOB's FISA reauthorization recommendations. OPCL also participated in the interagency process of reviewing EO 14110. Additionally, OPCL reviewed the CIA's public website to ensure compliance with federal guidelines.

¹⁹ 42 U.S.C. § 2000ee-3(c) (2018).

Complaints

Complaints include any concerns raised by members of the public, CIA staff or contractors, or any other government officials to the PCLO indicating a possible violation of privacy protections or civil liberties in the administration of the programs and operations of CIA. The complaints received from CIA personnel and the public are indicated in the below illustrations. The PCLO conducted both internal reviews and inquiries to assess the nature of the complaints and their dispositions. The PCLO reviews each complaint from both internal and external to the CIA. During this reporting period, OPCL worked closely with internal stakeholders on frequently asked questions, developed internal tracking systems consistent with the Fair Information Practice Principles (FIPPs), and met individually with CIA employees on how to navigate a safe workforce, while protecting the privacy of individuals.

I. Internal Complaints:

Nature	Number	Disposition
Allegation that CIA violated a privacy or civil liberty right.	14	Complaints closed. In each case, OPCL conducted a review and provided advice.

II. Complaints from the Public:

Nature	Number	Disposition of
Allegation that CIA violated a privacy or civil liberty right.	7	Closed. In each case, OPCL determined there was an insufficient factual basis to support the complaint.
Request for assistance from CIA.	1	Closed. In each case, OPCL determined there was either no discernable basis in fact for the complaint or the complaint had no nexus to the authorities and activities of the CIA.
Individuals alleging that a third party is violating their privacy or civil liberties and requesting CIA intervention	2	Closed. In each case, OPCL determined there was either no discernable basis in fact for the complaint or the complaint had no nexus to the authorities and activities of the CIA.

Members of the public may continue to contact the CIA PCLO to make a complaint that indicates a possible violation of privacy protections or civil liberties in the administration of CIA programs and operations. The public can find instructions for submitting complaints at <https://www.cia.gov/privacy>. A complaint may be sent via U.S. postal mail to the following

address:

Central Intelligence Agency
Privacy and Civil Liberties Officer
Washington, D.C. 20505.

OPCL will review all complaints directed to the PCLO. A complaint must state the possible violation of privacy protections or civil liberties with sufficient detail to allow the PCLO to assess the nature of the complaint and whether a remedy may be appropriate. A response by the PCLO will neither confirm nor deny the accuracy of the complaint and/or whether the individual has been subject to CIA action, but will confirm that the complaint has been properly investigated and indicate, when appropriate, that the matter has been remedied or found to be in compliance with applicable law or policy. OPCL also may refer a complaint to the CIA Office of Inspector General or to another Federal Government agency, as appropriate.

V. Conclusion

This annual report summarizes the CIA OPCL's activities for the reporting period of January 1, 2023 to December 31, 2023. OPCL is committed to ensuring that CIA's activities align with our enduring commitment to protecting privacy and civil liberties.



Office of Privacy and Civil Liberties
Central Intelligence Agency