



PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Fact Sheet:

PCLOB Recommendations Implemented by the Government

February, 2016

Since the Privacy and Civil Liberties Oversight Board released two major reports on government intelligence surveillance programs, which included 22 recommendations, significant changes have been made to enhance the protection of our nation's privacy and civil liberties without jeopardizing our counterterrorism efforts.

Recommendations Implemented by the Government



In 2014, the Privacy and Civil Liberties Oversight Board issued detailed reports on two government surveillance programs. The first report addressed the NSA's bulk collection of telephone calling records under Section 215 of the USA PATRIOT Act, as well as the operations of the Foreign Intelligence Surveillance Court and transparency regarding surveillance.

The second report addressed surveillance under Section 702 of the Foreign Intelligence Surveillance Act by the NSA, CIA, and FBI. This Section authorizes the collection of the contents of communications of non-U.S. persons reasonably believed to be located outside the United States. Between the two reports, the Board made 22 recommendations to the President, Congress, and the Foreign Intelligence Surveillance Court to enhance the protection of privacy and civil liberties.

Section 215 Report Recommendations

Bulk Telephone Records Program

1.	End the NSA's Bulk Telephone Records Program	Implemented under USA FREEDOM Act
2.	Immediately Add Additional Privacy Safeguards to the Bulk Telephone Records Program	Implemented in part; and Superseded by USA FREEDOM Act

Foreign Intelligence Surveillance Court

3.	Enable the FISC to Hear Independent Views on Novel and Significant Matters	Implemented under USA FREEDOM Act
4.	Expand Opportunities for Appellate Review of FISC Decisions	Implemented under USA FREEDOM Act
5.	Take Full Advantage of Existing Opportunities for Outside Legal and Technical Input in FISC Matters	Implemented

Transparency

6.	Publicly Release New FISC and FISCR Decisions that Involve Novel Legal, Technical, or Compliance Questions	Implemented
7.	Publicly Release Past FISC and FISCR Decisions that Involve Novel, Legal, Technical, or Compliance Questions	Being Implemented
8.	Publicly Report on the Operation of the FICS Special Advocate Program	Implemented under USA FREEDOM Act
9.	Permit Companies to Disclose Information about their Receipt of FISA Production Orders, and Disclose More Detailed Statistics on Surveillance.	Implemented under USA FREEDOM Act
10.	Inform the PCLOB of FISA Activities and Provide Relevant Congressional Reports and FISC Decisions	Being Implemented
11.	Begin to Develop Principles for Transparency	Implemented
12.	Disclose the Scope of Surveillance Authorities Affecting Americans	Being Implemented

Section 702 Report Recommendations

Targeting

1.	Revise NSA Procedures to Better Document the Foreign Intelligence Reason for Targeting Decisions	Implemented in Part
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U.S. Persons Queries

2.	Update the FBI's Minimization Procedures to Accurately Reflect the Bureau's Querying of Section 702 Data for Non-Foreign Intelligence Matters, and Place Additional Limits on the FBI's Use of Section 702 Data in Such Matters	Implemented
3.	Require NSA and CIA Personnel to Provide a Statement of Facts Explaining their Foreign Intelligence Purpose Before Querying Section 702 Data Using U.S. Person Identifiers, and Develop Written Guidance on Applying this Standard	Being Implemented

Foreign Intelligence Surveillance Court

4.	Provide the FISC with Documentation of Section 702 Targeting Decisions and U.S. Persons Queries	Substantially Implemented
5.	Create and Submit to the FISC a Single Consolidated Document Describing All Significant Rules Governing Operation of the Section 702 Program	Implemented by the Executive Branch

"Upstream" and "About" Collection

6.	Periodically Assess Upstream Collection Technology to Ensure that Only Authorized Communications are Acquired	Implemented
7.	Examine the Technical Feasibility of Limiting Particular Types of About Collection	Implemented

Transparency

8.	Publicly Release the Current Minimization Procedures for the CIA, FBI, and NSA	Implemented
9.	Adopt Measures to Document and Publicly Release Information Showing How Frequently the NSA Acquires and Uses Communications of U.S. Persons and People Located in the United States	Being Implemented

Efficacy

10.	Develop a Methodology to Assess the Value of Counterterrorism Programs	Being Implemented
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