

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
CIVIL LIBERTIES AND PRIVACY OFFICE
WASHINGTON, DC 20511

February 24, 2016

Ms. Amie Stepanovich
U.S. Policy Manager, Access Now
P.O. Box 20429
Greeley Square Station
4 East 27th Street
New York, NY 10001-9998

Dear Ms. Stepanovich:

Director of National Intelligence (DNI) James R. Clapper asked me to respond on his behalf to your letter dated 4 November 2015 regarding the implementation of Executive Order 13107. This response is also on behalf of the other Intelligence Community (IC) elements that received the letter. I would appreciate your sharing this response with the civil society organizations that cosigned that letter.

Executive Order 13107, issued 10 December 1998, states that “[i]t shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party.” The United States remains committed to effective implementation of its obligations under the human rights treaties to which it is a party. As President Obama said in September 2012:

People everywhere long for the freedom to determine their destiny; the dignity that comes with work; the comfort that comes with faith; and the justice that exists when governments serve their people—and not the other way around. The United States of America will always stand up for these aspirations, for our own people and for people all across the world. That was our founding purpose.

The IC is keenly aware of the need to respect applicable human rights obligations as we conduct intelligence activities. In 2012 the DNI issued the *Principles of Professional Ethics for the Intelligence Community*. These principles are also set forth in the opening pages of the *National Intelligence Strategy of the United States* (2014). The principles articulate, in a single statement, the fundamental ethical principles that unite us and distinguish us as intelligence professionals—Mission, Truth, Lawfulness, Integrity, Stewardship, Excellence, and Diversity. The Lawfulness principle declares that “[w]e support and defend the Constitution, and comply with the laws of the United States, ensuring that we carry out our mission in a manner that respects privacy, civil liberties, and human rights obligations.”

Adherence to our legal obligations and policy commitments is carefully overseen by a multilayered framework that includes legal counsel, inspectors general, civil liberties and privacy

Ms. Amie Stepanovich

officials, compliance personnel, and intelligence oversight officers. In addition, our operations are subject to oversight by all three branches of government to ensure that they are being undertaken in a lawful and appropriate manner.

The Office of the Director of National Intelligence (ODNI) and other members of the IC, as appropriate, participate in meetings called by the National Security Council. These meetings are related to domestic implementation of human rights obligations and commitments and to reporting obligations under the human rights treaties to which the United States is a party. Moreover, the IC supports the Universal Periodic Review (UPR) process, primarily coordinated by the State Department. The UPR is a process conducted under the auspices of the U.N. Human Rights Council, in which the human rights records of all United Nations member states are reviewed periodically in an open, international forum. As part of that process, the IC participates in the U.S. government's UPR Working Group on National Security. This working group reviews and coordinates follow-up to those UPR recommendations supported, in whole or in part, by the United States. Points of contact for this and other UPR working groups are listed on www.humanrights.gov. The IC also anticipates participating in the civil society consultations hosted by this UPR working group, including one later this year.

Within the ODNI, *my office* is statutorily charged with reviewing and assessing complaints indicating possible abuses of civil liberties and privacy in the administration of ODNI programs and operations and, when appropriate, referring complaints to the applicable Office of Inspector General. We work closely with other offices within ODNI, with appropriate officials across the IC, and at other departments and agencies to address privacy, civil liberties, and transparency matters. Other departments and agencies also have comparable organizations and processes.

In addition, the DNI has designated me to serve as the ODNI's Transparency Officer and coordinate the execution of the *Principles of Intelligence Transparency Implementation Plan*. That plan—together with the *Third Open Government National Action Plan for the United States*—calls on the IC to structure and coordinate direct engagements with civil society, including human rights concerns.

Thank you.

Sincerely,



Alexander W. Joel
Civil Liberties Protection Officer
Office of the Director of National Intelligence

cc: Central Intelligence Agency
National Security Agency