



Homeland Security

**U.S. Department of Homeland Security,
Office for Civil Rights and Civil Liberties
Civil Liberties Impact Assessment Template**

Questions considered by the DHS/Office for Civil Right and Civil Liberties when conducting a civil liberties impact assessment of a particular programs or activity.

Impact on Particular Groups or Individuals

- Is the program intended to have a direct impact on certain racial or ethnic groups? Even if it is not, might the program have an effect on certain racial or ethnic groups that might reasonably be perceived to be intentional?
- Would the program further the Constitutional principle of race-neutral government action, or would it encourage or depend upon a government official categorizing people by race?
- How would the program affect people with disabilities?
- How would the program affect those attempting to exercise a particular religion?
- How would the program affect people with limited English language proficiency?

Influence of Government

- Would the program increase the authority, control, or influence of the Federal Government in its relationship with private citizens? Specifically:
 - Would the program require or authorize the Federal Government to collect more information about private citizens?
 - Would the program require or authorize the Federal Government to centralize the collection of information that was previously dispersed?
- Would the program increase the authority, control, or influence of the Federal Government in its relationship with state or local governments?
- Would the program increase the authority, control, or influence of the Federal Government in its relationship with the private sector?
- Would the program require or authorize the Federal Government to share information about private citizens with third parties outside the Federal Government?

- Does the program include an intelligence or surveillance component? Will the program be governed by the provisions of Executive Order 12333 and/or the National Security Act of 1947?

Notice and Redress

- Does the public receive notice of the program, and have the ability to file comments on it?
- Are procedures in place for redress of alleged violations of civil rights and civil liberties?

Alternatives

- Is the program the least burdensome alternative with respect to civil liberties? Could the agency formulate other alternatives to accomplish the same goal while minimizing the impacts on civil liberties?
- Could the agency alter the program to enhance civil liberties?
- Will any impositions on liberty created by the program be voluntarily incurred?
- Is any imposition on civil rights and civil liberties equally distributed, randomly distributed, or focused on identifiable groups?
- Is any imposition on civil rights and civil liberties brief or extended?

Safeguards

- Would effective implementation of the program be dependent, in whole or in part, on government employees having a heightened awareness of Constitutional rights, Federal laws or regulations, or Departmental policies as they carry out their duties?
- Would the program increase or decrease the discretion of those employees or agents implementing the program?
- Does the program have embedded legal counsel or ready access to legal counsel?
- Are reports to Congress, or Congressionally-mandated audits, required, and if so are they one-time or periodic in nature?

Other Rights

- Could the program limit protected political or religious expression? Could the program implicitly chill open discourse or a person's ability to express their beliefs in writing that does not threaten or amount to shouting fire in a theater?
- Could the program lead to some restriction on property ownership, such as real, personal or intellectual property, firearms, or would it grant an unfair advantage to a particular business entity? Will the program have an impact on voting rights? Does the program take the least restrictive approach possible to regulating travel, including the travel of United States citizens? Does the program take away a freedom without affording proper due process?

Last reviewed: September, 2008