

**Global Justice Information Sharing Initiative (Global)
Global Privacy and Information Quality Working Group (GPIQWG) Meeting**

Washington, DC
July 13–14, 2010

July 13, 2010—Meeting Summary

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), and the Global Justice Information Sharing Initiative's (Global) Privacy and Information Quality Working Group (GPIQWG) convened a meeting on July 13, 2010, in Washington, DC, at 8:30 a.m. EST, led by the Honorable Anthony Capizzi (Judge Capizzi), Montgomery County, Ohio, Juvenile Court and GPIQWG Chair.

The following individuals were in attendance.

Chair

The Honorable Anthony Capizzi

*Montgomery County, Ohio, Juvenile Court National
Council of Juvenile and Family Court Judges*

Vice Chair

Mr. Phil Stevenson

Arizona Criminal Justice Commission

Ms. Devon B. Adams

Bureau of Justice Statistics

Alan Carlson, Esquire

Superior Court of California, County of Orange

Colonel Steven F. Cumoletti (GAC Member)

New York State Police

Ms. Ayn H. Crawley

*Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security*

Lieutenant Kathleen deGrasse

Illinois State Police

Ms. Brooke Dickson-Knowles

Office of the Director of National Intelligence

Josephine Foo, Esquire

Office of the Chief Justice—Navajo Nation

Mr. Owen Greenspan

*SEARCH, The National Consortium for Justice
Information and Statistics*

Mr. W. Kenneth Hunt

*Privacy Office
U.S. Department of Homeland Security*

Ms. Alissa Huntoon

*Bureau of Justice Assistance
Office of Justice Programs
U.S. Department of Justice*

Barbara Hurst, Esquire (GAC Member)

Rhode Island Office of the Public Defender

Erin Kenneally, Esquire

eLCHEMY, Incorporated

Ms. Martha K. Landesberg

*Privacy Office
U.S. Department of Homeland Security*

Mr. Michael McDonald

Delaware State Police

Mr. Joe Mollner

Boys & Girls Clubs of America

Valerie Sessions, Ph.D.

*Space and Naval Warfare Systems Center
(SPAWAR), Atlantic*

Mr. Steve Siegel

Denver District Attorney's Office

Ms. Cindy Southworth

National Network to End Domestic Violence

Ms. Martha W. Steketee

Independent Consultant

Mr. Randall Wickline

*Criminal Justice Information Services Division
Federal Bureau of Investigation*

Mr. Carl Wicklund (GAC Vice Chair)
American Probation and Parole Association

Ms. Tammy Woodhams
National Criminal Justice Association

IIR Staff
Ms. Donna Lindquist
Institute for Intergovernmental Research

Ms. Terri Pate
Institute for Intergovernmental Research

Mr. John J. Wilson
Institute for Intergovernmental Research

Welcomes and Introductions

Chairman Capizzi called the meeting to order and welcomed members, guests, federal officials, and staff. Before facilitating the roundtable introductions, he highlighted the attendance of Colonel Steven Cumoletti (GAC member and Global representative); Josephine Foo, Esquire (Indian Country representative from the Navajo Nation); and Mr. Joe Mollner (juvenile justice [JJ] representative from the Boys & Girls Clubs of America, with a prior professional history in gang-related law enforcement efforts, including leadership positions in several gang investigators associations). GPIQWG has been pursuing representation from the tribal and JJ communities for some time. All guests' bios were included in the participant packets.

GPIQWG Business

As a standing agenda item, GPIQWG members formally approved the summary from the previous Working Group meeting, held on March 23–24, 2010, in Washington, DC. By raising the issue, Chairman Capizzi implicitly made the motion to accept the summary without revision; there were no objections; the motion passed with a unanimous verbal “aye” vote.

Updates

Global Involvement in Complementary JJ Efforts

Background: In January, Global Executive Steering Committee (GESC) members met with U.S. Attorney General (AG) Eric Holder to discuss the administration's/DOJ's priority issues. At that time, the AG specifically identified “juvenile violence” (including gang activity and violent crimes) as a top concern. Since that time, Global leaders (particularly Chairman Capizzi) have pursued JJ collaboration through outreach to Office of Juvenile Justice and Delinquency Prevention (OJJDP) officials via the following methods:

- Inviting Acting OJJDP Administrator Jeff Slowikowski (and other JJ staff) to GESC and GPIQWG meetings earlier in the year (January and March, respectively).
- Supporting/encouraging JJ's adoption of the standard NIEM-conformant sharing. Auspiciously, it appears JJ is pursuing a “standard brand of NIEM” as opposed to earlier movement toward a possibly conflicting or incongruent implementation. However, Global has yet to make headway regarding inclusion on two JJ advisory groups:
 1. The Federal Advisory Committee on Juvenile Justice (FACJJ)—Composed of one representative from each state and territory, the FACJJ advises the President, Congress, and the Administrator of OJJDP on matters pertaining to OJJDP's mission. (Many Global leaders advocate for building a partnership with this group, because of its similar nature/Federal Advisory Committee Act [FACA] structure to Global.) If possible, Global would like to become a member of this group, particularly in light of its roots in state and local activities.
 2. Coordinating Council on Juvenile Justice and Delinquency Prevention, chaired by the Attorney General. (Global leaders would like to target this group for presentation time [45 minutes] at their next meeting, which is scheduled for September 24, 2010, from 10:30 a.m. to 1:00 p.m. EST in Washington, DC).

In early June, Chairman Capizzi reached out to BJA officials requesting assistance and guidance in building bridges with these groups. At this time, no further advancements have taken place.

Action: Chairman Capizzi will report on this request issue at the GESC, and Global leaders can determine what, if any, further action should be taken. However, because JJ is working on the same issues as Global (e.g., information sharing standards, information quality concerns, solutions to addressing gangs [i.e., for Global, the gang IEPD]), it would seem advantageous to continue pursuing inroads into these two groups.

Global Working Group and GESC Updates

Mr. Wicklund provided Global working group briefings, which were outlined in participant handouts and therefore not enumerated here. The following are some of the recent key GESC activities and recommendations.

- Since the last GPIQWG meeting, the following resources were formally approved at the April 8, 2010, GAC meeting:
 - ***Fire Service Integration for Fusion Centers: An Appendix to the Baseline Capabilities for State and Major Urban Area Fusion Centers***¹
Fusion centers can use this document to integrate the fire service component and to implement baseline capabilities identified in the Global-approved *Baseline Capabilities for State and Major Urban Area Fusion Centers*.²
 - ***Fusion Center Privacy Policy Development Guide: Privacy, Civil Rights, and Civil Liberties Policy Template***³
This one-stop source for fusion center privacy protections, Suspicious Activity Reporting (SAR) provisions, and ISE Privacy Guidelines requirements is a time-tested, field-vetted, comprehensive tool that fusion centers can use to draft a solid privacy protections policy. A strong privacy policy is good *public* policy: It is responsive to widely held public expectations about the collection and use of individuals' information and the fair and open operation of a democratic government.
- Via electronic voting (passed by quorum electronic vote on May 7, 2010, and June 25, 2010, respectively):
 - ***Common Competencies for State, Local, and Tribal Intelligence Analysts***
Identifying a common set of intelligence and law enforcement analytic competencies and incorporating the competencies into applicable training programs will allow state, local, and tribal analyst professionals whose agencies share a similar mission with the U.S. Department of Homeland Security (DHS) and the U.S. Department of Justice (DOJ)/Federal Bureau of Investigation (FBI) to receive equivalent training and professional development as federal intelligence analysts. A common set of competencies also supports better communication, interoperability, information sharing, and collaboration among all intelligence and law enforcement professionals at all levels of government.
 - ***The Privacy, Civil Rights, and Civil Liberties Compliance Verification for the Intelligence Enterprise***
Agencies should use this resource to conduct periodic assessments of their intelligence enterprises. These assessments will assist in determining whether agency policies and procedures comprehensively address and implement privacy, civil rights, and civil liberties protections. The product from such an assessment will assist law enforcement agencies in identifying weaknesses and gaps in their protections policies and procedures.
- Related to Global outreach, the following has occurred:

¹ Located at <http://it.ojp.gov/docdownloader.aspx?ddid=1280>.

² Located at <http://it.ojp.gov/documents/baselinecapabilitiesa.pdf>.

³ This document was produced by the DHS/DOJ Fusion Process Technical Assistance Program, in collaboration with U.S. DOJ's Global and the CICC. It will be posted on the National Criminal Intelligence Resource Center Web site at www.ncirc.gov. Contact information@ncirc.gov for more information.

- A standard cover sheet will now be inserted in all Global resources to help direct the right resources to the right audiences. This standard format/abstract will enumerate the following document categories: background (i.e., the reason the document was created/problem statement); review and vetting protocol; value to the justice community (i.e., why should I care about this resource?); contents; and target audience (Is this meant for the technologist? Agency executive? To whom should this most appropriately be routed?).
- The Global Web site now has a subscription capability. All GPIQWG members were automatically enrolled in the new service and receive the digest of OJP IT/Global News each Sunday. GPIQWG members who are not receiving the digest, or who would like more information about the Global Web site offerings, should contact dclindquist@iir.com.
- Global is taking advantage of the National Criminal Justice Reference Service (NCJRS), a resource management and dissemination vehicle for OJP-funded efforts. NCJRS operates several listservs, including JuvJUST (concentrating on juvenile-related issues) and JUSTInfo (focusing on general justice efforts). The inaugural Global submission to JUSTInfo featured GPIQWG Information Quality series (see <http://www.ncjrs.gov/justinfo/jun1510.html>), and reached thousands of NCJRS subscribers.

In addition to the other Working Groups' activities (as previously mentioned, summarized in participants' packets), ongoing issues for the GESC and GAC focus are:

- Finalization of "Standard Global Packages," organized along justice information sharing and intelligence sharing tracks, and development of attendant training and technical assistance as well as "carrots and sticks" measures to drive implementation (such as request for proposal [RFP] model language, grant conditions, and vendor certification/compliance test beds).
- Guidance on services governance issues, including outlining what ownership/sponsorship of a service will entail, such as:
 - Sustainment/funding obligations are not the responsibility of the sponsor.
 - If the business requirements of the service specification change to the point of revision, the sponsor will initiate that revision/manage the change.
 - Appropriate entities for this role (for example, fusion center services will have a fusion center *governance* group/body as the sponsor, not an individual fusion center).
- Broadening the sphere of partnerships and cross-boundary sharing, particularly with the first responder communities (i.e., fire, emergency medical services, and emergency management). The week before the GPIQWG meeting, an ad hoc team of Global and first-responder leaders met to explore this collaboration further. Resulting recommendations may yield the establishment of a new Global Task Team, depending on GESC deliberations at the August 4 summer planning session.
- Membership and leadership changes:
 - Mr. Bart R. Johnson, Principal Deputy Under Secretary, Intelligence and Analysis, DHS, has rejoined the GAC as the DHS representative; Mr. Johnson previously served in a number of Global leadership roles, including GAC Vice Chair and Chair of the CICC and GIWG.
 - At the spring GAC meeting, Mr. Russ Porter left his role as Chair of the CICC and GIWG and resigned his GAC seat as the CICC representative to pursue new challenges at the Office of the Director of National Intelligence. Mr. Ronald Brooks, Director Northern California HIDTA, is the newly appointed CICC and GIWG Chair. Michael McClary, Assistant Sheriff, Las Vegas Metropolitan Police Department, Nevada, is now Vice Chair of the CICC and GIWG.
 - Mr. Thomas O'Reilly, Senior Policy Advisor, BJA, has been appointed Director of the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) Program Management Office (PMO).
- Upcoming GESC and GAC Events:
 - GESC Mid-Year Planning Session—August 4, 2010
 - GESC Fall Meeting—October 6, 2010
 - GAC Fall/Biannual Meeting—October 7, 2010
 - Elections will be held for the Global Chair and Vice Chair. These are held every two years.

- Also of note: In April, Global leaders initiated a practice of inviting two GAC members (on a rotating basis) to attend the pre-GAC GESC meetings as full participants. It has been suggested that, in a similar vein, select Global Working Group members be invited to attend GAC events. This practice will likely begin in the fall.

National Governors Association (NGA) Privacy Policy Academy Update

Mr. Carl Wicklund provided the following briefing via e-mail to GPIQWG staff for inclusion in this summary: The NGA Center Privacy Policy Academy held a second meeting in March 2010, in Denver, Colorado. The meeting assisted CONNECT (Alabama, Kansas, Nebraska, and Wyoming) and the Hawaii state team in refining the privacy policies developed through the course of the academy. During the course of the academy meeting, both teams identified additional technical assistance tasks. Additional information can be found online at NGA's privacy policy Web site.

CONNECT

As of the March meeting, three of the four CONNECT states had ratified the project's privacy policy (developed during the course of the policy academy process). Mr. Maury Mitchell, project lead, presented CONNECT's progress to the GAC at the spring 2010 meeting.

Hawaii

The Hawaii state team identified several remaining goals, including a review of relevant legislation, briefings with HIJIS executive board members, and assistance with stakeholder privacy policy development. A stakeholder workshop is currently being planned to help stakeholders of the Hawaii criminal justice information sharing program develop privacy impact assessments (PIA) and privacy policies for their individual information systems. During the site visit, NGA staff and technical assistance providers will work with the state team to refine the updated privacy policy, develop stakeholder buy-in, and provide one-on-one consulting with two stakeholder organizations. By conducting PIA workshops with the two stakeholder groups, several Hawaii state team members will develop resources that can be used to assist other agencies.

In the coming months, NGA plans to continue working with participant states to refine the policies developed during the academy. Maryland has also requested technical assistance in developing a policy for its dashboard program, and NGA is exploring ways to assist the state in developing a working policy for its active information sharing system.

GPIQWG Priority Activities at the July Meeting

The bulk of the "working" part of the Working Group meeting consisted of discussion related to and preliminary efforts toward addressing two issues: biometrics and the evolving notion of privacy.

- "Biometrics" discussions addressed privacy and information quality implications of three subtopics:
 - 1) The GPIQWG biometrics primer, *Privacy and Information Quality Risks: Justice Agency Use of Biometrics*
 - 2) The "Denver Case Study"/use of familial DNA
 - 3) Whole-body imaging
- The importance of discussing the evolving concept of "privacy" was well-framed by GPIQWG member Barbara Hurst, GAC member and Public Defender, Rhode Island Office of the Public Defender, in her March 1, 2010, memo, when she wrote: "As GPIQWG gets deeper into discussions around biometrics, a consensus on what is meant by the term 'privacy' is important for its own sake. The technology inherent in biometrics may, in particular, invite our audience to ask, 'Wait a minute Why is this a privacy issue at all?' Technology, in general, and biometrics in particular, raises this question more dramatically than conventional 'evidence' because the capture can be 'virtual' and not concrete (imaging rather than a conventional 'seizure') and even non-intrusive in the conventional sense (accomplished without 'touching,' for example). Whether or not we can answer the question definitively for the questioning reader, we can at least provide a framework for answering it."

On July 13, 2010, GPIQWG members discussed these issues in a plenary roundtable. On July 14, 2010, participants were divided into two task teams as follows:

- Biometrics Resources Task Team
 - Primer—Alan Carlson, lead; Phil Stevenson; Randall Wickline; Devon Adams; Owen Greenspan; Steve Siegel; and Steve Cumoletti
 - Colorado Case Study—Steve Siegel, lead; Michael McDonald (also on privacy group)
- Privacy Resources Task Team
 - Barbara Hurst, lead; Christina Abernathy; Erin Kenneally; Martha Steketee; Martha Landesberg; Katheen DeGrasse; Tammy Woodhams; Josephine Foo; Cindy Southworth; John Wilson
- “Floaters”
 - Tony Capizzi; Carl Wicklund

GPIQWG Biometrics

The timeline for finalization of the biometrics primer, *Privacy and Information Quality Risks: Justice Agency Use of Biometrics* (in its fourth draft iteration), was set as the end of July 2010, in preparation for presentation to Global leadership for review and approval at the August 4, 2010, planning meeting. To achieve this goal, Mr. Alan Carlson solicited members’ feedback during the plenary roundtable and small-group session. Subsequent to the meeting, Mr. Carlson incorporated selected changes (mainly concerning the tables on pages 2 and 3), and staff distributed the primer for one final GPIQWG membership review; the resource passed the electronic polling without objection. The final draft is ready for GESC discussion, and recommendation by Global membership for the fall 2010 GAC meeting.

With the primer completed, the group turns its attention to the Denver Case Study, which centers on the drafting of a privacy policy for Denver’s familial DNA search capability. Through this effort, GPIQWG will draft an issue paper as well as a principles document for use by other agencies considering/using familial DNA searching.

Familial DNA searching is a practice that has recently gained national recognition vis-à-vis the Los Angeles Grim Sleeper case, which broke wide open in early July 2010 with the arrest of a suspect, aided by the use of familial DNA. Mr. Siegel explained that Denver uses familial DNA searches and is developing an attendant “gold standard to implement privacy and IQ policy in Colorado.” California is expected to leverage this privacy policy as a model, and the ultimate goal, aside from developing solid privacy protections for Denver, is to determine (and document) “universal privacy and IQ principles that apply to all familiar DNA searches.” Chairman Capizzi asked for suggestions on how GPIQWG can provide assistance in the planning stages, and Mr. Siegel noted: “This will be a collaborative product; we need input every step of the way, and that’s a natural match through GPIQWG.” All members agreed this should be a priority issue for inclusion in the 2011 GPIQWG Business Plan.

Mr. Mike McDonald suggested the expertise of Mr. James Loudermilk, FBI Biometric Center of Excellence, for this project (see <http://www.idga.org/podcenter.cfm?externalID=624>). [Note: After the meeting, GPIQWG FBI member Randall Wickline changed positions within the agency and will no longer serve as the FBI representative on GPIQWG. Mr. Wickline, however, recommended to the FBI that it appoint a representative from its Biometric Center of Excellence. As such, Ms. Jennifer Alkire was appointed and will assume the membership seat vacated by Mr. Wickline.]

The roundtable discussion of whole-body imaging (WBI) was initiated by the relaying of two very different real-world experiences with the Transportation Security Association’s (TSA’s) process by Chairman Capizzi and Ms. Hurst (who “opted out” of the TSA WBI process). Working Group members debated whether this issue is within logical bounds for GPIQWG consideration and guidance, or perhaps out of scope (at least at present). At this meeting, no consensus was reached on whether to pursue the issue further, but as Ms. Erin Kenneally noted, “This is an intriguing issue, and if law enforcement starts employing these [scanners] then this will definitely fall within GPIQWG’s scope.” Currently, the technology is used in justice business processes (e.g., courthouses, correction facilities), though rarely, and many members believe the fact that the images/data are not being disseminated or run against justice databases moves the discussion outside of GPIQWG purview. However, as WBI usage increases in law enforcement and justice communities, the group will want to revisit the issue. (Per Ms. Cindy Southworth, a first topic for consideration may be the WBI impact on victims of domestic violence and/or sexual assault as they enter the courthouse, possibly triggering feelings of further violation.)

GPIQWG Privacy Products—Defining “Privacy”

Ms. Hurst led a discussion on the topic of “the changing notion of privacy, the value of context.” She asserted that the act of defining “what is the privacy arena” was skipped in earlier GPIQWG product development. This became apparent when the group explored privacy risks for the biometrics primer. Many privacy-related issues are now being raised because of the use of new technologies that make it difficult to answer the questions, “What constitutes privacy? When are privacy concerns implicated?” The criteria for these no longer work.

According to Ms. Hurst, in developing materials for this discussion (re: blue packet in meeting folders), “I didn’t find concepts like personally identifiable information (PII) to be useful.” Are we concerned only about data at the time of acquisition, or pieces of data that could later be used with other points to identify person? It is important to realize that any piece of data can be used later. This gets into the bigger question of “what is privacy?” This should be explored in a smaller task group that can present its recommendations to the larger group.

Discussion followed regarding the memorandum provided in the blue packet that covered three main points: “privacy interests/concerns versus privacy rights,” “public versus private expectations,” and “the context of privacy.” Further, in concert with the current revisions to the Privacy Guide, *Privacy and Civil Liberties Policy Development Guide and Implementation Templates*, section 4, Understanding Privacy Concepts, will be revised to reflect this focus and presented at the November 17–18, 2010, GPIQWG for discussion and consensus. The following are key points made during this discussion:

- GPIQWG could develop a set of evolved factors for determining whether there are privacy implications for information collected. This should be shared within the groups we serve and should cover privacy for purposes of the Fourth Amendment (e.g., because of the justice scope we serve; not tort, not contracts) and the reasonable expectation of privacy regarding the information that is collected and used by law enforcement.
- It is recommended that we go beyond this narrow definition to include use. However, this is a technology-pushing notion to redefine what PII is in the increasingly technological environment.
- A suggestion was made to use a continuum where “1” is perfect and “10” is bad. Perhaps we should acknowledge that privacy is a scale (not an either/or). Further, using “strong” or “weak” may be better, since data is binary (either you have a protectable privacy interest and you work on the policy, or you do not).
- It is hard to conclude “strong” or “weak” without considering whether there is something you can do about it. For example, if you keep the entire DNA sequence, that is a high interest, but if you keep the 13 markers, then the privacy interest diminishes. The question is: “What can we do to minimize the risk?”
- Concern was expressed that we are trying to determine policies that are 100 years down the road for capturing DNA and the purpose for its use. There is a two-pronged test: (1) Is there an expectation? and (2) If so, is it reasonable?
- Do we need to go any farther? The remedy is in the court. On the civil side, the remedy is a penalty. As law enforcement officers, we have a very strong privacy application of our records because we are governed by laws and statutes in our states. Are we going overboard in trying to define something that we do not need to? Is this an issue we should relegate to the courts and legislation to decide instead of trying to get ahead of it and deciding in defining reasonable expectation?
- This group needs to look at some of the hypothetical situations because these things might not be 100 years away but, in fact, only one or two. We do not want the technology to drive the policy.
- This appears to be a case-by-case issue [when privacy is implicated], fact-specific, and a notion of Fourth Amendment underpinning, but it does not mean the principle underlying CATS cannot be applied. While privacy determination needs to be case by case, that does not mean we cannot come up with general guidelines.

In summing up this discussion, it was suggested that the Privacy Resources Task Team add exploration of the development of a checklist or list of general principles that address these concerns to the team's list of deliverables.

GPIQWG Next Steps—2010/2011

Vice Chairman Stevenson led a facilitated discussion in which he asked the group to propose next steps for GPIQWG in 2011. The following areas of focus and deliverables were suggested:

- Continued pursuit of JJ collaboration.
- Ongoing compilation of success stories—In the near future, Ms. Woodhams will work with Mr. John Wilson to capture process-related success stories emanating from the Fusion Center Privacy Policy Technical Assistance Program (“What has helped you, from a privacy policy standpoint, do your job better”) and the Building Communities of Trust initiative (which includes the auspicious partnering of fusion centers with advocacy groups and concerned members of the public, particularly the Muslim community).
- Review of privacy materials to ensure applicability and relevancy to tribal agencies and tribal issues—Ms. Foo (with contributions by Vice Chairman Stevenson) outlined a number of impediments to information sharing and the general commission of justice in Indian Country, including lack of baseline privacy protocols; cultural issues that either heighten or lower the expectation of privacy; “pleading guilty,” regardless of actual guilt, because of inadequate jail capacity (shortest route through the system); computer illiteracy and lack of training; lack of sharing between tribal and neighbor law enforcement; lack of resources (e.g., understaffed prosecutorial pool, no means or modes of transportation to local drug courts); and the superseding of tribal elder governance over law enforcement.
 - Discussion point: All participants were sensitive to and understand the complexity of Indian Country issues, particularly the lack of resources, multiplicity of tribes, and historical disconnect between tribal and nontribal justice systems. That being said, Mr. Wicklund summed up the present task for the GPIQWG: “The issue is ‘do our products, as they stand, work for the tribes?’”
 - **Action Item: Having worked with the Inter Tribal Council of Arizona, Inc. (<http://www.itcaonline.com/>) in the past, Vice Chairman Stevenson offered to lead this effort to explore relevancy of GPIQWG products to the tribal agencies.**
- Outreach related to the distribution and expansion of the GPIQWG information quality products—Members will pursue the task noted in the 2010 GPIQWG Business Plan as follows: “The membership decided to add a feedback form to the back of the newly approved *Information Quality Self-Assessment Tool* (prior to print publication) for the following purposes: (1) to ensure that user experiences can be incorporated into future versions of the Tool and (2) to solicit lessons learned and success stories.”

The Tool is currently geared toward state and local justice agencies that want to perform a self-administered assessment to uncover a baseline on the quality of the information they collect, store, access, and share.

Proposal: GPIQWG plans to expand this Tool, and potentially its parent guide, the *Information Quality Program Guide*, for regional and national databases that share information (disparate gang databases, Interstate Compact for Adult Supervision, and others). This will require outreach to regional and national database agencies to encourage completion of self-assessments using this Tool. This is planned to occur in 2010.”

- *Related discussion points:*
 - Agencies may be reluctant to run IQ self-assessments against databases because “you may have to make the results public, if government-funded....”
 - Vice Chairman Stevenson noted that in addition to an IQ exercise, these database pilot activities may contain components of cross-boundary sharing (i.e., sharing with states with less

stringent sunshine laws). This was a pivotal issue in the Florida/Georgia verification checklist process: i.e., application of open records laws during pilot activities.

- **Action Item: Chairman Capizzi emphasized a desire to prioritize these pilots, mindful of the likely resource implications. Ms. Alissa Huntoon, BJA, will explore the possibility of additional support and apprise GPIQWG leaders.**
- Exploration of the privacy and information-quality related issues associated with cross-boundary information sharing.
 - *Related discussion points included the following:*
 - Suggested sharing partners/communities/information to exchange included interstate projects (e.g., CONNECT) and tribes (e.g., Navajo Nation).
 - Suggested information to exchange included juvenile justice data (considering the Interstate Compact on Juveniles; starting with delinquency-related data and moving into dependency-related information), driver's license photos (e.g., Nlets, CONNECT).
 - Ms. Woodhams suggested documenting CONNECT as a cross-boundary case study.
 - The governance mechanisms associated with this type of sharing pose challenges: i.e., "How do we address this [in cross-boundary sharing] short of developing memorandum of understanding (MOU) agreements for each exchange?"
 - GPIQWG's interest in this topic aligns with the Department's: Cross-boundary information sharing is a priority in BJA's new *Justice Information Sharing 2010–2012 Strategic Action Plan*.

Closing Remarks

In preparation for tomorrow's task team breakouts, Chairman Capizzi requested that the two task teams, the Denver Familial DNA Privacy Policy—Case Study Task Team and the Biometric Resources Task Team, merge into one group which will quickly wrap up the biometrics primer and devote the majority of the session to the Denver Case Study. The Privacy Resources Task Team will review the recommended revisions the team made to the Privacy Guide and the blending of content from the new template (now inserted in the appendix) with that of the original guide, as well as discuss the potential for a checklist or list of general principles for determining when privacy is implicated.

The meeting was adjourned at 4:30 p.m. EST.

July 14, 2010—GPIQWG Meeting Summary

Chairman Capizzi reconvened the GPIQWG meeting on July 14, 2010, in Washington, DC, at 8:30 a.m. EST and welcomed the attendees back to the second day. Today's meeting is composed of a quick status report on the intelligence-related privacy efforts and then is structured into task team breakouts. The following individuals were in attendance.

Chair

The Honorable Anthony Capizzi

*Montgomery County, Ohio, Juvenile Court National
Council of Juvenile and Family Court Judges*

Vice Chair

Mr. Phil Stevenson

Arizona Criminal Justice Commission

Ms. Devon B. Adams

Bureau of Justice Statistics

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Mr. Steve Siegel

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National Network to End Domestic Violence

Ms. Martha W. Steketee

Independent Consultant

Mr. Randall Wickline

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American Probation and Parole Association

Ms. Tammy Woodhams

National Criminal Justice Association

IIR Staff

Ms. Donna Lindquist

Institute for Intergovernmental Research

Ms. Terri Pate

Institute for Intergovernmental Research

Mr. John J. Wilson

Institute for Intergovernmental Research

Status of Other Privacy Efforts

Ms. Ayn Crawley and Mr. John Wilson provided an update on fusion center privacy policy-related issues. Their briefing included discussion of the following topics:

- The Privacy and Civil Liberties Portal, a single point of access for the variety of federal resources that provide guidance and/or training on privacy, civil rights, and civil liberties issues for fusions centers, is due to be updated. Part of the planned updates will be linking to GPIQWG biometrics resources.
- As part of DHS guidance, each fusion center is required to appoint a privacy officer. One part of the fusion center training program is educating select fusion center staff (i.e., privacy/civil liberties officers) to enable them to provide training on privacy, civil rights, and civil liberties issues to center personnel (i.e., a “train-the-trainer” effort). This program's goal is to offer skills-based and subject-matter training to officers from each of the 72 designated fusion centers by the end of FY 2010. Each of these officers will then be asked to conduct at least one privacy, civil rights, and civil liberties training session in each local jurisdiction within the first four to six months after training and to train at least 15 other local fusion center staff and/or liaison officers. The estimated impact is approximately 1,080 local staff trained within a fairly short time frame.
- There is also a multifaceted privacy, civil rights, and civil liberties training program to support the more than 70 fusion centers around the country. To maximize the impact of limited resources in this area, the program adopted a “toolkit” approach where existing materials were leveraged with new materials to create customized training that covers core issues and also responds to the needs of individual centers. Centers select from a list of available training modules to customize events for the needs of each site. The program also works with local counsel (if available) and a local privacy point of contact to brief the trainers and prepare them in advance to ensure that presentations are as relevant as possible. The program has been funded to conduct additional on-site training to 12 fusion centers by the end of FY 2010. An additional 26 events are planned in FY 2011. Currently, there are 46 training applications pending from 36 states and the District of Columbia (37 total).
- Fusion centers receiving FY 2010 Homeland Security Grant Program monies have six months to complete their policies from the date of the award. DHS funds can be used only for completing fusion center privacy policies. Given that fact, it is estimated that all fusion centers will have policies in place within eight months.

Breakout Sessions and Status Reports

Following a reminder of yesterday's task team action items, Judge Capizzi adjourned the group into its respective task teams to work on specific GPIQWG resources/projects. The task teams met from 9:00 a.m. until 11:30 a.m., EST, at which time the group reconvened to share the following status reports.

Privacy Resources Task Team

Barbara Hurst (lead)
Erin Kenneally
Kathy DeGrasse
Tammy Woodhams
Josephine Foo
Joe Mollner
Mike McDonald
Cindy Southworth
Martha Steketee
John Wilson
Donna Lindquist

Definition of Privacy

To summarize, the privacy resources task team has the following assigned priorities, some of which were addressed today, and some of which will be handled prior to or during the next meeting:

1. Explore the development of a checklist or list of general principles that can address when privacy is implicated.

2. Come up with a listing of GPIQWG products that may be affected by a revision to the definition of privacy.
3. Review the revisions made to the *Privacy and Civil Liberties Policy Development Guide and Implementation Templates* (Guide) by the task team since the last meeting. The goal of the revisions is to update the Privacy Guide and ensure that the content of the new template (inserted in the appendix) is reflected in the content of the revised guide.
4. Craft proposed language for section 4 of the Privacy Guide, Understanding Privacy Concepts, for discussion at the November 17–18, 2010, meeting.

Action Items

The following are current action items for the task team:

- Offline, the group is going to put together a suggested definition of privacy (for the task team to react to at the November 17–18, 2010, meeting). This will help focus the discussion at that meeting.
- The group will review the GPIQWG privacy products and ensure that all published materials are identified that may need to reflect the revised definition of “privacy.” Ms. Christina Abernathy will assist with this effort and will provide a list of affected products at the November 17–18 meeting.
- To begin work on a checklist or listing of principles, the group will look at the application framework/grid from the biometrics primer as a start. The plan is that a framework will help people in the field make decisions on how to resolve privacy interests in a given application. This will not provide the answer; rather, it will provide a framework for determining an answer (for example, “public versus private” and “need versus lesser versus more”). Longer-range usefulness of the biometric type of framework is still on the table, although the biometric piece is done.

Privacy Guide Revisions

The group reviewed the revisions made to the Privacy Guide (other than section 4, which will be the focus of the November 17–18, 2010, task team discussions). The task teams’ goal is to have a revised draft by the end of the year and a final version by March 2011 (in preparation for the spring GAC meeting). Planning considerations were discussed, such as vetting the document in January, securing tribal input, etc.

Based on the review, the group put together a bulleted list of edits for Ms. Abernathy to follow and incorporate into the next draft of the Privacy Guide. As these were basic wording and line-by-line edits, they will not be summarized here. Changes of particular note are highlighted below:

- Approval for changing the title of the Privacy Guide from *Privacy and Civil Liberties Policy Development Guide and Implementation Templates* to *Privacy and Civil Liberties Policy Development Guide For State, Local, and Tribal Justice Entities*. The team felt this better communicated the state, local, and tribal (SLT) focus of the guide.
- Revised phrasing of “Privacy, Civil Rights, and Civil Liberties” to “Privacy and Civil Liberties.”
- Changing the term “agency” to “entity” throughout the guide.
- A footnote will be inserted for the first use of the term “justice entity.” This will help to show that the authors realize that there are times when nonjustice entities and agencies will use this guide.

[Note: Because of the quantity of content gaps that were still remaining after the July 13–14, 2010, meeting, Ms. Abernathy scheduled a drafting session for October 5–6, 2010, with Ms. Steketee and Ms. Hurst to develop the missing content.]

Biometrics/Denver Project Task Team

Alan Carlson (lead)
Steve Siegel
Phil Stevenson
Randall Wickline
Owen Greenspan
Steve Cumoletti
Devon Adams
Terri Pate

Denver Familial DNA Search Capability Project: There are **four steps** for this project, as outlined below, which are anticipated to yield **two GPIQWG products** (as noted).

Steps:

1. First is for Denver to perform a legal analysis to identify what laws/regulations/statutes are applicable to the familial DNA search capability. This will be needed prior to drafting a privacy policy.
2. **GPIQWG Product**—Second is an issue paper which, with subject-matter expert (SME) input, will identify the potential issues and privacy risks that will need to be addressed by the provisions of the Colorado policy.
3. Third is to draft the privacy policy and vet the draft through the Denver team, GPIQWG, and our SMEs (e.g., California, FBI Biometric Center of Excellence).
4. **GPIQWG Product**—Fourth, based on the experience from this process, is for GPIQWG to draft a universal privacy principles document for inclusion in the privacy policies of other agencies considering or utilizing the familial DNA search functionality. This experience could result in a model policy, but at minimum will include a list of unique conditions that should be included/considered for any agency.

The following are key discussion points made during the task team session:

- Policy concerns: When a search is performed, there are many potential results. Decisions have to be made as to what the criteria are for what results and how many are going to be provided to law enforcement.
- There are privacy implications when a familial search results in locating a potential suspect, and family members and others close to the person (teachers, etc.) are recommended to the police as people who potentially have information about the suspect. Privacy concerns emerge when those people's names end up in police files associated with the investigation.
- The current policy addresses only searches within Colorado; however, there is discussion about potentially searching other states' CODIS databases where there is information about the origins of the suspect's family.
- One issue is whether DNA is collected at the time of arrest or at the time of conviction (arrests will have more privacy implications). All labs have oversight boards for their CODIS systems.
- Will use Colorado as a best-practice example to share with other agencies that want to create a policy.
- Policy governance needs to be addressed, because not all will be the same as Colorado.
- Suggestion to create a template with drop-down boxes (whether the organization is a state lab, etc.)

- By having the GPIQWG's stamp of approval on the familial search privacy policy, you are creating a different place of expertise that will come into play when the inevitable court challenge on a familial search takes place, and case law results.

Action items:

- The Denver Team will:
 - Perform the legal analysis (identify which local, state, and federal laws apply).
 - Perform a privacy impact assessment (PIA). (Mr. Siegel will get with Ron Stone and Gregg LaBerge to talk about conducting the PIA.)
 - Begin the first draft of the project issue paper. [Note: After this meeting, Mr. Gregory LaBerge, in preparation for the November 17–18, 2010, meeting, drafted a project background, which included a list of public concerns.]
- Revised biometric primer: Mr. Carlson will make changes to the Word version of the primer using the Track Changes feature and will send the revised draft out to the group (particularly to the biometric SMEs who were unable to attend this meeting) for review with a short deadline for comment. Changes will be made by IIR, and the document will be presented to the GESC in draft form at the August meeting.

Next Steps and Closing Remarks

Chairman Capizzi thanked all of the attendees for their participation and hard work at the day-and-a-half GPIQWG meeting. He reminded the group that the next meeting will be held on November 17, 2010 (full day), and November 18, 2010 (half day), at the Embassy Suites Washington, DC—Convention Center hotel (more at http://embassysuites1.hilton.com/en_US/es/hotel/WASCCES-Embassy-Suites-Washington-D-C-Convention-Center-District-of-Columbia/index.do). At that time, the group will hear updates regarding the summer GESC meeting (August 4) and fall GESC/GAC events (October 6–7). Please be sure to mark your calendars!

The meeting was adjourned at 12:00 Noon EST.

Global Justice Information Sharing Initiative (Global) Privacy and Information Quality Working Group (GPIQWG) Meeting



Dupont Hotel
1500 New Hampshire Avenue, NW
Washington, DC 20036
(202) 483-6000



United States
Department of Justice

Dupont A Banquet Room

July 13–14, 2010

Agenda—Tuesday, July 13, 2010

8:30 a.m. – 9:15 a.m.

Welcoming Remarks and Introductions

*The Honorable Anthony Capizzi, GPIQWG Chair and Judge,
Montgomery County, Ohio, Juvenile Court*

Topics

- ◆ March 23–24, 2009, GPIQWG draft meeting summary
- ◆ Welcome guest members:
 - Tribal Representative—Josephine Foo, Esquire, Navajo Nation Integrated Justice Information Sharing Project
 - Juvenile Justice Representative—Mr. Joe Mollner, Boys & Girls Clubs of America
 - GAC Member—Colonel Steven Cumoletti, New York State Police
- ◆ GPIQWG participation on Office of Juvenile Justice and Delinquency Prevention (OJJDP)'s Justice Information Sharing Initiative's Advisory Group
- ◆ Update on GESC's exploration of juvenile youth violence
- ◆ Agenda overview
- ◆ Next GPIQWG meeting

9:15 a.m. – 9:45 a.m.

Global Updates

Mr. Carl Wicklund, Global Advisory Committee (GAC) Vice Chair and Executive Director, American Probation and Parole Association

Topics

- ◆ Upcoming GAC dates: GESC, October 6, 2010, and GAC, October 7, 2010, Embassy Suites, Washington, DC
- ◆ April 2010 GAC meeting summary
- ◆ Global Working Group updates
 - Global Intelligence Working Group/Criminal Intelligence Coordinating Council
 - Global Security Working Group
 - Global Infrastructure/Standards Working Group
 - Global Outreach Working Group
 - Model organization/presentation of GPIQWG privacy and information quality products for other Global products
 - Status of information quality series news story

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July 13–14, 2010

Agenda—Tuesday, July 13, 2010 (continued)

9:45 a.m. – 10:00 a.m.

DHS Office of Civil Rights and Civil Liberties

Ms. Ayn Crawley, Director, Civil Liberties Institute, Office of Civil Rights and Civil Liberties, U.S. Department of Homeland Security

Topics

- ◆ Status of regional fusion center training events
- ◆ Updates to Privacy and Civil Liberties Web Portal

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 12:00 Noon

GPIQWG Biometrics

Mr. Alan Carlson, Superior Court of California, County of Orange

Steve Siegel, Denver District Attorney's Office

Ms. Beverly Allen, IJIS Representative, Booz Allen Hamilton

Topics

- ◆ GPIQWG Biometrics Resources Task Team
 - Status of *Privacy and Information Quality Risks: Justice Agency Use of Biometrics* primer
 - Task team conference call—July 6, 2010
 - Plans for completion and outreach
- ◆ Denver case study—privacy policy for familial search database
- ◆ Results of vendor research—whole-body imaging (SBI) scanners
- ◆ Future products

12:00 Noon – 1:30 p.m.

Lunch (on your own)

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July 13–14, 2010

Agenda—Tuesday, July 13, 2010 (continued)

1:30 p.m. – 3:00 p.m.

GPIQWG Privacy Products—Defining Privacy

Christina Abernathy, Institute for Intergovernmental Research

Barbara Hurst, Esquire, Rhode Island Office of the Public Defender

Topics

- ◆ GPIQWG Privacy Resources Task Team
 - Status of revisions to *Privacy and Civil Liberties Policy Development Guide and Implementation Templates*
- ◆ Exploration of the term privacy and related concepts within GPIQWG products (e.g., privacy guide)

3:00 p.m. – 3:15 p.m.

Break

3:15 p.m. – 4:15 p.m.

GPIQWG Next Steps—2010/2011

*Mr. Phil Stevenson, GPIQWG Vice Chair and Director, Statistical Analysis Center,
Arizona Criminal Justice Commission*

Topics

- ◆ Review of 2010 GPIQWG Business Plan Deliverables
- ◆ Relevance of GPIQWG products to tribal jurisdictions
- ◆ States' varied legislative limitations on juvenile justice information sharing
- ◆ Future products for biometrics

4:15 p.m. – 4:30 p.m.

Next Steps and Closing Remarks

Judge Capizzi

Topics

- ◆ Review of today's action items
- ◆ Plan for the following day's GPIQWG meeting

4:30 p.m.

Adjournment

Global Justice Information Sharing Initiative (Global) Privacy and Information Quality Working Group (GPIQWG) Meeting



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July 13–14, 2010

Agenda—Wednesday, July 14, 2010

- 8:30 a.m. – 8:45 a.m. **Introduction and Charge for the Day**
Judge Capizzi
Topics
◆ Review of today's goals and charge to the group
- 8:45 a.m. – 9:00 a.m. **Status of Other Privacy Efforts**
Ms. Alissa Huntoon, U.S. Department of Justice
Mr. John Wilson, Institute for Intergovernmental Research
Topics
◆ Status of NGA Center for Best Practices—Privacy Policy Academy
 ▪ HJIS stakeholder privacy impact assessments, August 10–13, 2010
◆ Status of the Fusion Center Privacy Policy Technical Assistance program
- 9:00 a.m. – 10:15 a.m. **Breakout Sessions**
Judge Capizzi
GPIQWG Breakout Groups
◆ Denver Familial DNA Privacy Policy—Case Study
◆ Biometric Resources Task Team
◆ Privacy Products Task Team
- 10:15 a.m. – 10:30 a.m. **Break**
- 10:30 a.m. – 11:30 a.m. **Breakout Sessions** (*continued*)
- 11:30 a.m. – 11:50 a.m. **GPIQWG Task Team Status Reports**
Judge Capizzi
Topics
◆ Denver Familial DNA Privacy Policy—Case Study
◆ Biometric Resources Task Team
◆ Privacy Products Task Team
- 11:50 a.m. – 12:00 Noon **Next Steps and Closing Remarks**
Judge Capizzi
Topics
◆ Review of action items and assignment of tasks
◆ Next meeting reminder
- 12:00 Noon **Adjournment**

