

National Vetting Center Privacy, Civil Rights, and Civil Liberties Working Group Charter

The National Vetting Center Privacy, Civil Rights, and Civil Liberties Working Group (NVC PCRCL WG, or Group) is established pursuant to National Security Presidential Memorandum-9, “Optimizing the Use of Federal Government Information in Support of the National Vetting Enterprise,” dated February 6, 2018 (NSPM-9).

Section 1. Purpose and Scope.

The National Vetting Governance Board established the NVC PCRCL WG pursuant to Section 2(e)(vi) of NSPM-9. The Group will routinely review the activities of the National Vetting Center (NVC) to ensure they are conducted in a manner that appropriately protects Privacy, Civil Rights, and Civil Liberties (PCRCL), and advise the National Vetting Governance Board. The Group will serve as a forum for interagency collaboration, coordination, and integration on PCRCL matters that affect the national vetting enterprise, to include the activities of the NVC and its intelligence support element. The Group will also ensure that NVC activities are conducted with appropriate transparency. Nothing in this Charter modifies the authorities of the heads of executive departments or agencies or other PCRCL Officers with respect to the departments or agencies under their purview.

Section 2. Responsibilities.

The NVC PCRCL WG will:

- (a) Review, in coordination with the appropriate representatives at relevant agencies, on an ongoing basis the activities of the national vetting enterprise to ensure they are being conducted in a manner that appropriately protects PCRCL, including by suggesting policies, practices, or procedures that would facilitate such protection;
- (b) Oversee NVC activities to ensure compliance with all applicable PCRCL interests articulated in law, regulation, policy, and other guidance designed to protect PCRCL and to mitigate risks to PCRCL;
- (c) Ensure the development and implementation of NVC policies, procedures, and guidelines, appropriately protect PCRCL, including through the protections related to the appropriate creation, collection, use, processing, storage, maintenance, dissemination, disclosure, and disposition of information, including intelligence information;
- (d) Review the NVC implementation plan, and all subsequent reports pursuant to Section 2(h) of NSPM-9, prior to submission to the President, to ensure that appropriate PCRCL protections are incorporated;

- (e) Coordinate with officials from departments and agencies participating in the NVC to facilitate the coordinated exercise of PCRCL authorities within their respective agencies that relate to the NVC;
- (f) Ensure that NVC vetting technologies, including tools, analytics, software, and algorithms, are evaluated, before being considered or used, for any potential PCRCL impacts, and mitigation actions are taken to address such impacts, as appropriate;
- (g) Review vetting processes and procedures coordinated through the NVC to facilitate redress inquiries related to individuals' PCRCL;
- (h) Maintain awareness of and coordinate any response to actual or suspected breach of personally identifiable information connected with NVC operations, and advise the National Vetting Governance Board, as appropriate;
- (i) Provide appropriate transparency through external outreach and engagement activities planned or conducted by the NVC;
- (j) Provide appropriate support to the National Vetting Governance Board regarding existing U.S. Government processes, practices, and activities within the national vetting enterprise, including by suggesting policies, practices, or procedures that would facilitate PCRCL protections;
- (k) Provide appropriate support to the National Vetting Governance Board regarding the vetting of specific Vetting Request Sets within the national vetting enterprise for specific purposes and the methodology used to conduct such vetting;
- (l) Assess proposals for new or expanded vetting, whether in the form of new Vetting Request Sets referred for vetting support, the comparison of vetting requests to data previously not used for such purposes, the deployment of new or enhanced applications or algorithms, or the use of vetting information for new adjudicative or operational purposes, and identify mitigation actions for any PCRCL risks associated with the proposals to the National Vetting Governance Board; and,
- (m) Perform such other duties as may be prescribed by the National Vetting Governance Board.

Section 3. Membership and Operations.

- (a) The Group will consist of PCRCL senior representatives from:
 - The Department of State
 - The Department of Defense
 - The Department of Justice
 - The Department of Homeland Security
 - The Office of the Director of National Intelligence
 - The Central Intelligence Agency

- The Federal Bureau of Investigation
- The National Counterterrorism Center

The PCRCL Officer for the NVC will also be a member of the Group.

- (b) The Group will be co-chaired by a PCRCL senior executive from the Office of Civil Liberties, Privacy, and Transparency from the Office of the Director National Intelligence, and a PCRCL senior executive from both the Privacy Office and the Office for Civil Rights and Civil Liberties from the Department of Homeland Security.
- (c) Members will have sufficient expertise and authority to make strategic PCRCL decisions regarding their agencies' areas of responsibility for conducting or supporting vetting operations and to make appropriate recommendations for the Group's consideration.
- (d) The Group may invite other stakeholders from relevant departments and agencies engaged in the national vetting enterprise to participate as required to achieve the objectives of the national vetting enterprise.
- (e) The Co-Chairs will identify NVC PCRCL WG representatives to attend NVC-related fora to include National Vetting Governance Board meetings and other NVC working groups, as appropriate;
- (f) The Group will meet on an as-needed basis, but not less than quarterly, or otherwise as determined by the Co-Chairs, to carry out these responsibilities.
- (g) The Group will endeavor to reach consensus on all matters presented to it. If the Group cannot ultimately resolve issues by consensus, it shall refer matters to the National Vetting Governance Board.

Section 4. Effective Dates

- (a) This Charter is effective upon approval by the National Vetting Governance Board.
- (b) This Charter shall expire five years from date of approval unless otherwise reauthorized by the National Vetting Governance Board.

This Charter establishes an internal governance process for the execution of United States government policy. It does not create or confer any privilege, right, or benefit, substantive or procedural, enforceable by any third party against the signatories, the United States Government, or the officers, employees, agents, or associated personnel thereof. Nothing in this Charter is intended to restrict the authority of any participant to act as provided by law, statute, or regulation, or to restrict any party from administering or enforcing any laws within its authority or jurisdiction.