

Central Intelligence Agency

Release Statement Declassification of Privacy and Civil Liberties Oversight Board (PCLOB) Executive Order 12333 Reviews

10 February 2022

CIA is releasing materials related to two Privacy and Civil Liberties Oversight Board (PCLOB or the Board) reviews of certain counterterrorism-related intelligence activities conducted pursuant to Executive Order 12333 (E.O. 12333). In the review and release of these materials, CIA consulted with the PCLOB and the Director of National Intelligence (DNI). The materials cover oversight reviews and engagements from 2015 to 2021. CIA is releasing these materials as part of its commitment to the [Principles of Intelligence Transparency for the Intelligence Community](#).

In 2015, the PCLOB selected for in-depth examinations two CIA counterterrorism-related activities as part of the PCLOB's larger E.O. 12333 oversight review. In its "Deep Dive I" and Deep Dive II" reviews, the PCLOB and its staff assessed the counterterrorism value of the two CIA programs, the impact of each program on privacy and civil liberties, and whether those national security activities were appropriately conducted in accordance with law and policies.

In 2021, Senators Ron Wyden and Martin Heinrich requested public interest declassification of the two Deep Dive reports. In response to this request, the Director of the Central Intelligence Agency ordered a review of the relevant materials to ensure that the information was released to the greatest extent possible, while still protecting tradecraft methods and operational sources.

Following this request for review, CIA determined that the PCLOB Report from 3 January 2017, referred to as "Deep Dive I," could be released with certain redactions. The Deep Dive II report¹ contains two separate sections. As requested by Senators Wyden and Heinrich, CIA conducted an expedited review of both sections of the report. While CIA concluded that the second section—the PCLOB's Staff Recommendations—could be released with certain redactions, CIA determined that the other section must remain classified in full to protect sensitive tradecraft methods and operational sources.

All CIA activities must be conducted in full compliance with U.S. law. CIA's core authority to collect intelligence stems from its statutory mandate to do so—found in the National Security Act of 1947—as well as the President's inherent constitutional authority to collect foreign intelligence and counterintelligence information, which is expressed in E.O. 12333. The Foreign Intelligence Surveillance Act (FISA) also governs important but relatively narrow areas of intelligence collection including electronic surveillance, physical search, and certain other

¹ Unlike the PCLOB Deep Dive I Report, the PCLOB did not submit a Report of its Deep Dive II review. Upon closing its review, the PCLOB Executive Director submitted to CIA two staff products, which the CIA refers to as the Deep Dive II report.

activities as defined in that statute. Many of CIA's core intelligence activities fall outside the scope of the FISA, but are nevertheless governed by E.O. 12333, implementing Procedures promulgated by the CIA Director and the Attorney General of the United States, and other US law.

During the course of these reviews in 2017, CIA proactively released its updated [Procedures Approved by the Attorney General Pursuant to Executive Order 12333](#), which govern all CIA collection undertaken pursuant to E.O. 12333. CIA has also provided [detailed information](#) to the public about the rules that govern whether and how such data can be acquired.

These entirely unclassified [procedures](#), and an accompanying [narrative description](#), describe a range of restrictions that apply to CIA's intelligence activities, to include specific procedures applicable to collections of large datasets which, though collected for a valid foreign intelligence purpose, may contain incidental information regarding United States persons. This is why, under CIA's Attorney General procedures, collectors must take reasonable steps to limit the information collected to only that which is necessary to achieve the purpose of the collection. This winnowing down of collection highlights one example of the privacy protections which are embedded in these foundational procedures. These declassified materials provide specific examples of how some of these safeguards are applied in practice.

CIA has kept, and continues to keep, the Senate Select Committee for Intelligence (SSCI) and House Permanent Select Committee on Intelligence (HPSCI) fully and currently apprised of its intelligence programs, to include the activities reviewed by PCLOB. Moreover, all CIA officers have a solemn obligation to protect the privacy and civil liberties of Americans. CIA will continue to seek opportunities to provide better transparency into the rules and procedures governing our collection authorities to both Congress and the American public.