Memorandum Establishing the Privacy Working Group of the Secretary of Public Safety and Security

TO: All Agency Heads
Undersecretaries, EOPSS

FROM: Kevin M. Burke, Secretary of Public Safety and Security
RE: The Establishment of the Privacy Working Group of the Secretary of Public Safety and Security

DATE: August 7, 2008

This memorandum directs the establishment of the Privacy Working Group ("PWG") of the Secretary of Public Safety and Security ("Secretary") and delineates the mission, organization, procedures, and functions of the PWG.

The mission of the PWG is to advise the Secretary upon his request and to develop recommendations for the Secretary relating to programmatic, technological, and policy issues within EOPSS as they relate to information security, individual privacy, data integrity, and other privacy related matters.

The PWG will serve in an advisory capacity to the Secretary when consulted with respect to the following objectives:

- To provide advice on electronic data systems used by the Executive Office of Public Safety and Security and its agencies (collectively, "EOPSS") in order to enhance privacy protocols in use by EOPSS;

- To evaluate the conditions and policies in place designed to protect the collection, use, dissemination, and storage of information by EOPSS, focusing on the following principles for review: legal compliance, purpose specification, collection limitation, use limitation, data quality and integrity, openness of data management practices with the public and media, extent of affected individuals’ participation and access to information and its use, security safeguards, and accountability;

- To ensure privacy and civil liberties policies are current and functional regarding protection of personal information and issues of data quality, balanced against intelligence and information-sharing goals;

- To ensure the security and privacy of EOPSS’s data and information systems and critical infrastructure assets, i.e., networks, web sites, and computer based systems;
• To ensure the privacy and confidentiality of citizen information used by EOPSS in the conduct of its business;

• To make recommendations to the Secretary regarding security and privacy, and how to promote implementation of those decisions, policies, and standards within EOPSS;

• To identify resource needs to achieve effective implementation of security and privacy mechanisms, and to make recommendations to the Secretary for obtaining these resources;

• To ensure the collection, storage, and use of such information conforms to all federal and state privacy statutes;

• To ensure the monitoring of the use of data between EOPSS systems and between EOPSS systems and other state, local, and federal systems;

• Considering the above objectives while still protecting the sources and methods used to acquire intelligence information and ensuring public safety, public security, and law enforcement objectives.

The following relates the specifics of the PWG and its function:

Duties: The PWG will be responsive to specific assignments and requests from the Secretary, and may, in furtherance of these assignments, conduct studies and inquiries with individuals and groups in the private sector and/or other governmental entities while maintaining the necessary confidentiality of EOPSS and its operations.

Duration: The PWG shall be continuing at the discretion of the Secretary.

Official to Whom the PWG Reports: The PWG reports to the Secretary through the Coordinator, who shall be appointed by the Secretary.

Structure and Support Service: The Coordinator shall convene meetings, guide operations and assignments, maintain records of the PWG meetings and activities, and provide updates to the Secretary. The Coordinator shall manage the PWG and provide such clerical, administrative, and logistical support as necessary for the PWG to efficiently conduct its business. The Coordinator shall ensure the PWG complies with the requirements of its mission and remains within the parameters of its duties and authority as defined by the Secretary.

Membership: Members shall be appointed by the Secretary. Membership shall be balanced among individuals from the following related areas of expertise: law enforcement, criminal intelligence, privacy and civil liberties, technology, data/information management, and any other matters related to the specific mandate of the PWG.

Term of Appointment: Each member shall serve at the discretion of the Secretary.

Appointment of Officers: The Secretary or his designee shall chair the PWG. The Chairperson serves as the presiding officer of the PWG, leads the meetings, and guides its efforts to the effective completion of its assigned tasks. The Chairperson shall adhere to the guidelines and directives of this memorandum and such other operating procedures the PWG may adopt, maintain order, and conduct each meeting in accordance with the prescribed rules and procedures.
Subgroups: Subgroups may be established as ad-hoc working groups with the approval of the Coordinator. The Chairperson may designate members from either the PWG or the public to serve on the subgroups. The subgroup Chairperson shall be a member of the PWG. Subgroups may be terminated by the consensus of the PWG or by the direction of the Chairperson.

Chairperson Duties and Responsibilities: The Chairperson shall develop agenda items in consultation with the Coordinator; preside over PWG meetings; arrange time, place and facilities for the PWG meetings; notify members of meetings and agenda items.

PWG Organization and Operation: The Chairperson, together with the Coordinator, shall develop procedures for calling meetings; establishing a quorum; voting, raising, adopting or rejecting proposals; establishing subgroups; dealing with Classified and Sensitive Security Information; and such other administrative activities as may be necessary to effectively and efficiently carry out the PWG’s mission and objectives.

Conflict of Interest: PWG shall excuse themselves from participation on issues that are, or could, represent a conflict of interest.

PWG Functions: The PWG functions shall include advice and coordination. As requested by the Secretary, the Chairperson shall prepare written opinions, policy recommendations, guidance and similar documents that reflect the determination of the PWG on substantive issues. The Secretary may adopt, reject, or modify recommendations proposed by the PWG.

Compensation for Members: PWG members shall serve without compensation.

Operating Costs: Operating costs shall be borne by EOPSS.

Modifications: The Secretary may reexamine, modify and revise the guidelines and objectives set forth in this memorandum at any time.