The Commonwealth Fusion Center and Privacy

The challenge of policing in the post 9/11 Era involves striking a balance between due process, individual privacy and the need to collect information on potential terrorist and other criminal activity. The Commonwealth Fusion Center is keenly aware that this balance is critical to successfully carrying out its mission. With that in mind, Fusion Center and State Police policy makers have integrated intelligence gathering safeguards into its operational guidelines.

The Fusion Center makes it a policy to follow national best practices regarding information sharing and intelligence. Our National Standards for Intelligence Sharing policy (CFC-07) adopts the National Criminal Intelligence Sharing Plan, the Global Justice Information Sharing Initiative Fusion Center Standards and the Criminal Intelligence Systems standards under 28 CFR part 23. The latter provides criteria for the submission of criminal intelligence requiring reasonable suspicion of a criminal act before data on individuals or groups can be entered into an intelligence system. The mandates of 28 CFR 23 also require controlled dissemination of that information, information review and a five year purge of unused intelligence. The Criminal Intelligence Systems guidelines are the gold standard for safeguarding intelligence within the policing environment.

In addition, the Fusion Center has incorporated collection, processing, dissemination and purge criteria into our Fusion Center Operations Manual with an emphasis on collecting relevant data focused on the reasonable suspicion or criminal predicate standard. The Operations Manual specifically has guidelines for purging information based upon its utility, timeliness, appropriateness, accuracy and completeness. Outdated information that has not been updated or accessed by intelligence analysts is purged from the system or paper file consistent with 28 CFR part 23.

Finally, the Fusion Center has developed additional policies on First Amendment Activity (CFC-04) to protect the lawful exercise of an individual’s rights. It has also drafted a Privacy Policy modeled after the Global Justice guidelines which limit collection of personal information to a minimum. These written directives assist in establishing a foundation for information sharing and intelligence gathering which emphasize the balance of individual privacy and due process rights against the need to collect information on potential criminal and terrorist acts that will impact the larger community.