

Office of the Director of National Intelligence
Washington, DC 20511

JUL 8 2014

Mr. Jason Leopold
Investigative Reporter
1669 Benedict Canyon Drive
Beverly Hills, CA 90210

Reference: ODNI Case # DF-2013-00198

Dear Mr. Leopold:

This is in response to your email dated 30 August 2013 (Enclosure 1), received in the Information Management Division of the Office of the Director of National Intelligence (ODNI) on 4 September 2013. Pursuant to the Freedom of Information Act (FOIA), you are requesting **“the charter for the NSA review group that President Obama announced August 9.”**

Your request was processed in accordance with the FOIA, 5 U.S.C. § 552, as amended. A thorough search of our records and databases located material responsive to your request. Upon review it is determined that the document may be released in its entirety (Enclosure 2).

If you have any questions, please call the Requester Service Center at (703) 874-8500.

Sincerely,


Jennifer Hudson
Director, Information Management Division

Enclosures

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Terms of Reference

Review Group on Intelligence and Communications Technologies

Recent years have brought unprecedented and rapid technological advancements in communications technologies – particularly with respect to global telecommunications. These technological advances have presented the Intelligence Community (IC) with great benefits and significant risks – enabling significantly enhanced technical collection capabilities, while also increasing the risk of insider and cyber threats– and the IC has changed in many ways in response to these technological advancements.

Given the impact of these technological advances on the work of the IC, we believe it is important to take stock of how new global communications trends alter the environment in which we conduct our intelligence mission. In particular, we believe it is important to consider both how these technological changes affect our ability to collect and protect intelligence, but also how, in light of these technological changes, our ability to collect and protect intelligence affects our national security and foreign policy more broadly, as well as principles of personal privacy.

Key Objectives:

At the direction of the President, a Review Group on Intelligence and Communications Technologies will be established to develop a set of recommendations to the President and the DNI that meet the following core objectives:

- To assess whether, given these technological advances, the U.S. Government employs its technical collection – and, in particular, its signals intelligence collection – capabilities in a manner that optimally protects our national security, and advances our foreign policy while appropriately accounting for other policy considerations, including the risk of unauthorized disclosure, our need to maintain the public trust, and principles of personal privacy.
- To assess whether we have established appropriate policies, procedures and guidelines to account for national security and foreign policy risks associated with these collection activities, including the collection of metadata, especially with respect to the risks related to unauthorized disclosures and other insider threats.

Structure and Modalities:

The structure of the assessment will be as follows:

- The President will direct the establishment of the Review Group (“RG”) within the ODNI for the purposes of achieving the objectives identified above. Individuals currently under consideration to serve on the Review Group include Mr. Michael Morell, Mr. Cass Sunstein, Mr. Richard Clarke, Mr. Peter Swire, and possibly others;

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- The members of the RG will draw on signals intelligence expertise and advice of appropriately cleared current and former officials as necessary.
- The members of the RG will serve without compensation for their work on the RG, but, while engaged in the work of the RG, shall be allowed travel expenses and a per diem, to the extent permitted by law for persons serving intermittently in the Government service;
- To the extent permitted by law, and subject to the availability of appropriations, the ODNI shall identify such staff for the RG as is necessary for the Review Group to achieve its purpose;
- The ODNI will provide the RG such other administrative services, funds, facilities, equipment, records management, and other support services, as may be necessary for the Review Group to achieve its purpose;
- Subject to the successful completion of an appropriate background evaluation, the members of the RG will be offered appropriate access to classified information relevant to the review;
- The team will brief their interim findings to the President through the DNI within 60 days, and will provide a final report and recommendations to the President through the DNI no later than December 15, 2013. The DNI will, as appropriate, report the RG's findings and recommendations to relevant Members of the U.S. Congress within 30 days of the issuance of the final report.
- Although the matters to be reviewed by the RG relate to national security policy, plans and strategy that are properly classified pursuant to Executive order 13526 and disclosure of the minutes, notes, or other records of the RG may reveal information that reasonably could be expected to cause damage to national security, in order to increase transparency, the RG will work to ensure, to the greatest extent practicable, that an unclassified version of the findings of the review is available to be shared with the public.

Scope of the Review:

- The Review Group will limit its review to the broader, strategic matters relating to national security and foreign relations implications of U.S. Intelligence Community policy and procedures governing technical collection and, in particular, signals intelligence collection, with particular focus on the impact of advances in communication technology.
- The RG will not be asked to assess the intelligence and policy value of specific signals intelligence collection targets and activities.

Key Policy Questions:

The RG will be asked to consider the following strategic questions as they undertake their review.

Assessment of Threats, Risks and Cost-Benefit Analysis

- As a strategic matter, how should policymakers weigh the national security and foreign policy imperatives served by technical collection against the possibilities of unauthorized exposure, insider threats, and attendant risks to privacy? Given the current scope of our technical collection – and, in particular, our collection of metadata – are the strategic benefits generally worth the risks?
- Should the increased prevalence and emergence of cyber and insider threats change this risk analysis? Do current policies and procedures governing technical collection, and, in particular, signals intelligence, address the risks adequately in the current environment?
- If not, what, if any, changes are necessary to current policy and procedures, for example, to mitigate the risks of unauthorized public exposure of these activities and capabilities; to enhance protections for unauthorized collection, use and disclosure?

Appropriate Tailoring and Protections

- In light of the technological advancements that have increased our technical collection capacity, do we have appropriate policies and procedures to ensure that technical collection (including the collection of metadata), and in particular, signals intelligence, activities are optimally tailored to meet national priorities?
- Similarly, do we have appropriate policies and procedures to ensure that technical collection (including the collection of metadata), and in particular, signals intelligence, activities are appropriately tailored with respect to the collection of and protection of personal information?
- If not, what strategic-level changes to our policies and procedures may be warranted?