

RUPPROGE FAKE DRAGNET FIX REQUIRES INTEL COMMUNITY TO UPDATE 30 YEAR OLD EO 12333 PROCEDURES

One good aspect of the RuppRoge Fake Dragnet Fix is its measure requiring all elements of the Intelligence Community to comply with the EO that governs them.

At issue is this clause in EO 12333 requiring that any element of the Intelligence Community collecting data on US persons have Attorney General approved procedures for handling that data.

2.3 Collection of information. Elements of the Intelligence Community are authorized to collect, retain, or disseminate information concerning United States persons only in accordance with procedures established by the head of the Intelligence Community element concerned or by the head of a department containing such element and approved by the Attorney General, consistent with the authorities provided by Part 1 of this Order, after consultation with the Director.

This is something PCL0B asked Eric Holder and James Clapper to make sure got done back in August. In their letter, they disclosed some agencies in the IC have been stalling on these updates almost 3 decades.

The Privacy and Civil Liberties Oversight Board just sent a letter to Eric Holder and James Clapper requesting that they have all the Intelligence Committee agencies update what are minimization procedures (though the

letter doesn't call them that), "to take into account new developments including technological developments."

As you know, Executive Order 12333 establishes the overall framework for the conduct of intelligence activities by U.S. intelligence agencies. Under section 2.3 of the Executive Order, intelligence agencies can only collect, retain, and disseminate information about U.S. persons if the information fits within one of the enumerated categories under the Order and if it is permitted under that agency's implementing guidelines approved by the Attorney General after consultation with the Director of National Intelligence.

The Privacy and Civil Liberties Oversight Board has learned that key procedures that form the guidelines to protect "information concerning United States person" have not comprehensively been updated, in some cases in almost three decades, despite dramatic changes in information use and technology. [my update]

In other words, these procedures haven't been updated, in some cases, since not long after Ronald Reagan issued this EO in 1981.

RuppRoge aims to require the IC elements to comply.

(1) REQUIREMENT FOR IMMEDIATE REVIEW.—Each head of an element of the intelligence community that has not obtained the approval of the Attorney

General for the procedures, in their entirety, required by section 2.3 of Executive Order 12333 (50 U.S.C. 3001 note) within 5 years prior to the date of the enactment of the End Bulk Collection Act of 2014, shall initiate, not later than 180 days after such enactment, a review of the procedures for such element.

Mind you, asking agencies to initiate a review 6 months after passage of a bill to update procedures that are 30 years old isn't exactly lighting a fire under IC arse. But then, the delay probably stems from some agencies hoarding agency records on US persons that are even older than the EO.