



The *Policy Development Checklist* was developed by the U.S. Department of Justice’s Global Justice Information Sharing Initiative (Global) as a companion piece to Global’s hallmark privacy resource—*Privacy and Civil Liberties Policy Development Guide and Implementation Templates* (“Privacy Guide”). The Checklist serves as a self-assessment tool to assist agencies that are developing privacy and civil liberties policies in evaluating the provisions contained within their draft policies against those outlined in the Privacy Guide.

The Checklist is divided into five categories:

- Governance
- Planning
- Process
- Product
- Implementation

Section references are provided to correlate Checklist components with the Privacy Guide.

Policy Development Checklist

✓ Section
Reference Checklist Component

<input type="checkbox"/>	5.1	Project Champion: Identify the project champion to lead the development of the policy. This person will identify the project team leader, allocate necessary resources (both human and other), and oversee implementation and ongoing support and commitment for the program.
<input type="checkbox"/>	5.1.1	Point of Contact for Privacy and Civil Liberties Issues: In addition to identifying the project champion and team leader, identify the point of contact (POC) for privacy and civil liberties to help oversee the development of a privacy and civil liberties policy. The POC is involved in the development of the policy and supports implementation and ongoing operations of the privacy program.
<input type="checkbox"/>	5.2	Resource Estimation: Perform an estimation of resource needs (e.g., number and skill sets of team members, approximate number of hours for completion, and additional resources, such as computers, software, and legal services).
<input type="checkbox"/>	5.3	Project Team Leader: Identify the project team leader, who will direct and manage the project on a day-to-day basis and lead the project team.
<input type="checkbox"/>	5.4.1	Project Team: Appoint a multidisciplinary, multiagency project team comprising subject-matter experts in areas of privacy and civil liberties law, public affairs or public relations experts, technical systems design and operations experts, users/consumers, skilled writers, and those with intimate knowledge of day-to-day agency operations.
<input type="checkbox"/>	5.4.2	Stakeholders: Identify the agencies or individuals (including those agencies sharing information, other clients/consumers, nongovernmental organizations, advocates, the media, etc.) who are essential to the development and implementation of the policy but who are not on the project team—those who will be solicited by the project team to provide input.

✓	Section Reference	Checklist Component
<input type="checkbox"/>	6.1	<p>Vision, Mission, and Values Statements: Develop vision, mission, and values statements for the creation of the privacy and civil liberties policy. These include:</p> <ul style="list-style-type: none"> • Vision: a compelling, conceptual image of the desired, successful outcome of the privacy and civil liberties policy. • Mission: a succinct, comprehensive statement of the agency's purpose for the privacy and civil liberties policy that is consistent with the stated vision. • Values: core privacy and civil liberties principles and philosophies that describe how an agency conducts itself in carrying out its mission.
<input type="checkbox"/>	6.1.4	<p>Goals and Objectives Development:</p> <ul style="list-style-type: none"> • Goals: desired long-term end results that, if accomplished, would mean the team has achieved its privacy and civil liberties mission. • Objectives: specific and measurable targets for accomplishing privacy and civil liberties goals that are usually short-term with a targeted time frame.
<input type="checkbox"/>	6.2	<p>Charter: Write the charter, which, at minimum, should include an introduction, background, membership (persons and skills sets), and the previously drafted guidance statements (vision, mission, and values statements, plus goals and objectives). The charter will serve as a reference and resource throughout the development effort.</p>
<input type="checkbox"/>	6.2	<p>Adoption and Approval: The project team formally adopts the charter and presents it for approval to the project champion.</p>

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<input type="checkbox"/>	7.1	<p>Information Flow Analysis: Determine what personally identifiable information the agency collects, accesses, uses, disseminates, manages, and maintains, and identify communication partners (external agencies that share and access the information).</p>
<input type="checkbox"/>	7.2	<p>Legal Analysis: Analyze the existing applicable laws and policies to provide guidance to the agency about what information may or may not be collected, how the information can or cannot be collected, and with whom it may or may not be shared. The scope of the legal analysis will depend on the scope of the policy (see Product, 8.1).</p> <p>For personally identifiable information at each stage of the information flow, the following subjects and principles were researched to determine what authority, limitations, or prohibitions are contained in laws governing the gathering, maintenance, use, and sharing of information:</p> <ul style="list-style-type: none"> • Collection of information • Information quality requirements • Sharing and dissemination of information • Provisions relevant to the individual about whom information has been collected • Information and record retention and destruction • Agency or project transparency • Accountability and enforcement
<input type="checkbox"/>	7.3	<p>Gap Analysis: Identify legal and technological gaps and conflicts in laws and practices that require reconciliation before drafting a policy.</p>

✓ Section Reference Checklist Component

<input type="checkbox"/>	8.1	Scope of the Policy: Should be defined by the completed information flow, legal, and gap analyses.
<input type="checkbox"/>	8.2	Policy Outline: Develop an outline of the policy. At a minimum, this will include an introduction or preamble, definitions, general principles, policy, applicability (to whom and to what information the policy applies), legal requirements and policy guidance, accountability, and process for revisions and amendments.
<input type="checkbox"/>	8.2.3	Applicability: Using the above analyses, determine who will implement the policy. Identify other audiences for the policy (e.g., stakeholders, members of the public, other justice partners).
<input type="checkbox"/>	8.3	Policy Language: Use the policy outline to draft the formal policy language using the statements, goals and objectives, and charter—as well as the results of the information flow, legal, and gap analyses—as a guide. Incorporate commentary or rationale to support the formal policy language.
<input type="checkbox"/>	8.3	Potential Products: Prepare a complete written, user-friendly policy and supporting products, such as an executive summary; the information flow, legal, and gap analyses; and other communications tools.
<input type="checkbox"/>	8.4	Policy Vetting: Vet the policy for comment from stakeholders and agency constituents before it is finalized (potential challenges/find advocates).

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IMPLEMENTATION

✓	Section Reference	Checklist Component
<input type="checkbox"/>	9.1	Formal Policy Adoption: The policy is formally adopted by the project team, project champion, governing body, and, if applicable, the legislature.
<input type="checkbox"/>	9.2 9.3	Publication and Outreach: Create a user-friendly version of the policy to communicate to the general public. The policy is made readily available to justice decision makers, practitioners, and the general public. Develop and implement outreach communications to individuals, participating agencies, stakeholders, potential opponents, and the general public via press releases, briefings, and community hearings, and publish the policy in various media (e.g., for downloading from the Web).
<input type="checkbox"/>	9.4	Training: Determine an approach to training, develop training recommendations, and draft training content for use in a training program. Identify trainees, content areas, method of training (e.g., lecture, computer-based, modules), frequency, future resources, and performance measurement of training success.
<input type="checkbox"/>	9.4.6	Policy Acknowledgement: Determine a method for active acknowledgement that the privacy and civil liberties policy and the policy training were received by individuals and participating agencies.
<input type="checkbox"/>	9.6 9.7	Evaluation and Enforcement: Identify methods that will be used for auditing and continued monitoring of the implementation of and subsequent compliance with the policy. Incorporate revisions and updates identified through the monitoring process. Establish enforcement practices and consequences for violations.

For More Information

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About Global

The U.S. Department of Justice's Global Justice Information Sharing Initiative (Global) serves as a Federal Advisory Committee to the U.S. Attorney General on critical justice information sharing initiatives. Global promotes standards-based electronic information exchange to provide justice and public safety communities with timely, accurate, complete, and accessible information in a secure and trusted environment. Global is administered by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

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