

Global Justice Information Sharing Initiative (Global) Global Privacy and Information Quality Working Group (GPIQWG) Meeting

Fairfax, Virginia
November 15–16, 2011

November 15, 2011—Meeting Summary

BACKGROUND AND PURPOSE

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), and the Global Justice Information Sharing Initiative's (Global) Privacy and Information Quality Working Group (GPIQWG) convened a meeting on November 15, 2011, in Fairfax, Virginia, at 8:30 a.m. The Honorable Anthony Capizzi (Judge Capizzi), Montgomery County, Ohio, Juvenile Court and GPIQWG Chair, led the meeting in furtherance of and alignment with the GPIQWG's *Vision and Mission Statements*. The following individuals were in attendance.

GPIQWG CHAIR

The Honorable Anthony Capizzi
Montgomery County, Ohio, Juvenile Court

GPIQWG VICE CHAIR

Mr. Phil Stevenson
Arizona Criminal Justice Commission

Mr. Francis (Paco) X. Aumann III
Vermont Department of Public Safety

Mr. Joe Mollner
Boys & Girls Clubs of America

Mr. Kevin J. Bowling
20th Circuit Court, Michigan

Mr. Dennis Mondoro
Office of Juvenile Justice and Delinquency Prevention, DOJ

Alan Carlson, Esquire
Superior Court of California, County of Orange

Mr. Jason O'Neal
Chickasaw Nation Lighthouse Police Department, Oklahoma

Colonel Steven F. Cumoletti
New York State Police

Mr. Charles Robb
National Association of State Chief Information Officers

Lieutenant Kathleen deGrasse
Illinois State Police

Mr. Steve Serrao
Memex Law Enforcement Solutions, U.S.

Ms. Brooke Dickson-Knowles
Office of the Director of National Intelligence

Mr. Steve Siegel
Denver District Attorney's Office

Ms. Becki R. Goggins
Alabama Criminal Justice Information Center

Mr. David Steingraber
National Governors Association

Mr. Owen Greenspan
SEARCH, The National Consortium for Justice Information and Statistics

Ms. Martha Steketee
Independent Consultant

Mr. Brian Sterling
U.S. Department of Homeland Security

Ms. Alecia Webb-Edgington
SEARCH, The National Consortium for Justice Information and Statistics

Mr. Robert Greeves
Bureau of Justice Assistance, DOJ

Mr. Carl Wicklund
American Probation and Parole Association

Ms. Tammy Woodhams
National Criminal Justice Association

Erin E. Kenneally, Esquire
eLCHEMY, Incorporated

Thomas MacLellan
National Governors Association

Mr. Michael McDonald
Delaware State Police

Sheriff Michael Milstead
Minnehaha County, South Dakota, Sheriff's Office

GUEST OBSERVERS AND SUBJECT-MATTER EXPERTS:

Mr. Christopher B. Chaney
Office of Tribal Justice, U.S. Department of Justice

Mr. John Lee Ruegg
Los Angeles County, California, Board of Supervisors

Mr. W. Dave Russell
Fairfax County, Virginia, Police Department

IIR STAFF:

Ms. Christina Abernathy
Institute for Intergovernmental Research

Ms. Terri Pate
Institute for Intergovernmental Research

Mr. John Wilson
Institute for Intergovernmental Research

WELCOMING REMARKS AND INTRODUCTIONS

Judge Capizzi welcomed the attendees to Fairfax, Virginia, and made introductions around the room. He welcomed newly appointed member Mr. Charles Robb, Senior Policy Analyst, National Association of State Chief Information Officers (NASCIO), and new guest Mr. Christopher Chaney, Deputy Director, Office of Tribal Justice, DOJ. He also welcomed the following returning guests: Mr. Jason O’Neal, Chickasaw Nation Lighthorse Police Department, Oklahoma; Mr. Dennis Mondoro, Office of Juvenile Justice and Delinquency Prevention, DOJ; and Mr. John Ruegg (guest presenter), Director, Los Angeles County Information Systems Advisory Body, Los Angeles County Board of Supervisors, California. Judge Capizzi also thanked Phil Stevenson, Ph.D., GPIQWG Vice Chair and Director, Statistical Analysis Center, Arizona Criminal Justice Commission, for agreeing to serve as GPIQWG’s representative on the new Global Standards Council (GSC). Mr. Stevenson will be providing updates on the GSC at future meetings.

Judge Capizzi referred the attendees to the newly published GPIQWG products in the meeting folders: *Executive Summary for Justice Decision Makers: Privacy, Civil Rights, and Civil Liberties Program Development*; *7 Steps to a Privacy, Civil Rights, and Civil Liberties Policy*; and the *Policy Review Checklist*. He then reviewed with the attendees the products that were up for discussion at today’s meeting (agenda attached). He requested feedback on the June 29, 2011, GPIQWG meeting summary. Since there was none, the summary was approved.

GLOBAL UPDATES

Mr. Carl Wicklund, Director, American Probation and Parole Association, and Vice Chair, GAC, provided the following Global highlights.

- **September 28, 2011, GAC Leadership Meeting with OJJDP:**

- Raised awareness of the various global offerings which can be leveraged by OJJDP, including Global Federated Identity and Privilege Management (GFIPM), privacy products, and the Global Reference Architecture(GRA). We expressed that we thought this could be helpful to OJJDP, but also that OJJDP can be helpful to the Global effort.
- Global involvement in the **Coordinating Council on Juvenile Justice and Delinquency Prevention**, chaired by the Attorney General (AG).
 - The committee created a subcommittee on information sharing, chaired by Mark Sakaley, Senior Strategic Community Development Advisor, OJJDP, DOJ, who asked for Global involvement.
- The **Federal Advisory Committee on Juvenile Justice** (FACJJ)—Composed of one representative from each state and territory, it advises the President, Congress, and the Administrator of OJJDP on matters pertaining to OJJDP’s mission.
 - Note: Chief Harlin McEwen, International Association of Chiefs of Police (IACP), advocated for building a partnership with this group because of its similar nature (e.g., a Federal Advisory Committee Act (FACA) structure) with Global.
- They are developing joint correspondence from Global, BJA, and OJJDP to the AG, reporting that all of these entities are coordinating their information sharing efforts.

- **October 13, 2011, GAC Meeting Updates:**

GAC recommendations: In addition to GPIQWG’s product—*An Introduction to Familial DNA Searching: Issues for Consideration*—the following were presented for GAC approval and, ultimately, delivery to the AG.

- **Law Enforcement Guidelines for First Amendment-Protected Events**—This product, submitted by the Global Intelligence Working Group/Criminal Intelligence Coordinating Council (CICC/GIWG), provides guidance and

recommendations to law enforcement agency personnel in understanding their roles and responsibilities in First Amendment-protected events. This guidance document is divided into three stages—Pre-Event, Operational, and Post-Event—with each stage identifying recommended actions for law enforcement.

- **The Role of Law Enforcement at First Amendment Events reference card**—Submitted by GIWG/CICC, the card is designed to serve as a pocket-sized reference for line officers who are responding to a First Amendment-protected event and provides an overview of their roles and responsibilities, as well as an overview of the rights of the participants of First Amendment-protected events. The New Jersey State Police (NJSP) piloted the reference card during a First Amendment-protected event in April 2011.
 - **Global Federated Identity and Privilege Management (GFIPM): Choosing the Right Federation**—Submitted by the GFIPM Delivery Team/Global Security Working Group (GSWG), this product is a step-by-step guide to help decision makers select the federated identity solution that best suits their needs.
 - **Mr. Kshemendra Paul**, Program Manager for the Information Sharing Environment (PM-ISE), attended the Global membership roundtable on October 12, 2011, to discuss the National Strategy for the Refresh of the Information Sharing Environment and the proposition of reinventing the justice and public safety business model.
 - **IJIS' Springboard**—Mr. Kenneth Bouche, IJIS Institute (IJIS) Liaison to the GAC, and Mr. David Usery, IJIS Institute Secretary, provided the IJIS Industry Update, focusing a large portion of the briefing on IJIS's Springboard program, a new standards-based interoperability (SBI) program designed to help advance information sharing and ultimately support broad-scale implementation of GSC solutions.
 - **Global Standards Council (GSC)**—The GSC is now established, and as such, the Global Infrastructure/Standards Working Group (GISWG) and the GSWG will be disbanded and members merged into the GSC. Mr. Stevenson, John Ruegg, and Mr. Wicklund are members of the GSC, which focuses not only on technical solutions, but others as well. One goal of the GSC is to vet all standards that come out of the GSC for comment. He encouraged GPIQWG members to provide feedback when vetting occurs.
 - **NIEM**—Ms. Donna Roy, Executive Director, National Information Exchange Model ([NIEM](#)), provided an update on NIEM-related efforts, such as upcoming activities, including the expansion of NIEM into an international model with planned trilateral sharing with Canada and Mexico, and showcased the NIEM video. NIEM is also being looked at by the Health domain and others for cross-domain sharing.
- **Next GAC/Global Executive Steering Committee (GESC) Meetings**
 - GESC Annual Planning Meeting—January 17–18, 2012
 - GESC—April 10, 2012, and GAC—April 11, 2012
 - **New OJP Meeting Approval Process**—Mr. Wicklund discussed concerns regarding the new OJP grant requirements for hosting meetings and their impact on Global. The new review and approval process and the turnaround time to receive approval is significantly affecting Global's ability to plan and hold meetings. He asked for everyone's patience as we navigate this process. Over time, we have seen fewer and fewer amenities for meetings. The bottom line is that there are probably going to be more Webinars and conference calls than face-to-face meetings in the future. More meetings may also be held at DOJ and other federal conference room areas, which may affect hotel government per diem offerings.

STATUS OF OTHER PRIVACY EFFORTS

Mr. Bob Greeves, Policy Advisor, BJA, provided an update to the group on several related privacy projects. The Association of State Correctional Administrators (ASCA) and APPA are working on three pilot projects (Rhode Island, Maryland, and a county in Massachusetts) to improve corrections information through health and service providers that integrate individuals into the community from corrections. When these individuals are dealing with substance abuse and mental health issues, privacy issues must be dealt with as well. have put together an initiative to develop draft guidance that could be useful to those sharing information. Bob May, Associate Director, ASCA, and Mr. Wicklund, Director, APPA are both coordinating on behalf of the AG's Re-entry Council. A suggestion came out of this teleconference to take a set of draft guidelines and come up with a set that could be vetted by a larger group. The current draft mostly focuses on research of what is allowable and what is not allowable (for example, as it pertains to the Health Insurance Portability and Accountability Act [HIPAA]) particular to information sharing and reentry. ASCA and APPA hope to appoint a lean working group to develop a strategy and guidance for the field about information sharing outside the Justice domain. In particular, whether the information is disseminated from the jail or the prison system,

guidance is needed that would refer individuals to products and solutions they can use to understand how to handle this type of information. GPIQWG is intended to be involved on this process. Along with this endeavor, there is a joint effort among SEARCH, The National Consortium for Justice Information and Statistics (SEARCH); IJIS; ASCA; and APPA on developing health and law enforcement exchanges. Also out of the GESC and GAC is the interstate sharing of information and how to deal with that kind of exchange in compliance with various privacy laws and regulations. Bridging the Justice, Health, and Human Services domains requires a fair amount of work. The courts, particularly, have been working on this as it relates to child support and child support enforcement. The GSC has a task team focusing on working with the health IT side of this issue as well.

Mr. Thomas MacLellan, Program Director, Justice and Public Safety, Center for Best Practices (Center), National Governors Association, highlighted the Center's recent privacy initiatives:

- South Dakota (SD) Connect Project—The Center, in collaboration with several Global privacy technical assistance providers, is working with South Dakota to develop a statewide privacy policy for its SD Connect Project.
- The Center is in the process of wrapping up the “Global Justice Reference Architecture Policy Academy (GJRA),” and a white paper will be forthcoming.
- NGA will be managing a “Next Generation Justice Information Sharing Policy Academy” to help candidate states implement a suite of key Global solutions across their states. NGA will be offering \$30,000 to up to four states to utilize the suite of Global products, build a business case, and provide assistance to engage implementation. A Request for Proposal (RFP) was sent out in early November. Applications are due by the end of November, and the candidates will be selected in December.
- NGA will soon be working on a policy academy for corrections to help four states implement Global tools to improve information sharing practices—a cross-boundary justice information sharing product. Alaska, which is on the GJRA academy, has demonstrated a need in this area and will be included in this effort.

Sheriff Mike Milstead, Minnehaha County, South Dakota, Sheriff’s Office, stated that the National Sheriffs Association’s Pegasus Program is working on justice information sharing in corrections. Pegasus has adopted NIEM, and the intention is to share information on corrections, even at the rural level. This may be good to bring in on the NGA effort and the ASCA/APPA project, demonstrating three different efforts on corrections and information sharing.

The U.S. Department of Homeland Security’s Office for Civil Rights and Civil Liberties (CRCL) and the DHS Privacy Office (PRIV) have an ongoing training program for state and local fusion centers—Privacy, Civil Rights, and Civil Liberties Training Program for State and Major Urban Area Fusion Centers. CRCL and PRIV have partnered with the DHS Office of Intelligence and Analysis State and Local Program Office (SLPO) to provide individualized training to each new intelligence officer deployed to a fusion center. In 2008, 26 officers were trained; in 2009, there were 17; in 2010, 36; and in 2011, 11. Refresher training is also offered.

Through CRCL’s “On-site Training,” to date (since 2009), 508 staff members have been trained as part of the on-site training program. Through CRCL’s “Road Show” training, 35 centers have been trained in 23 states. CRCL is looking to augment on-site visits using Webinars and video teleconferencing to reach more centers and analysts.

DHS’ CRCL is currently performing a thorough content refresh for the Privacy Liberty Portal, www.it.ojp.gov/privacyliberty, and anticipates completing this process in December.

GLOBAL PRIVACY TECHNICAL FRAMEWORK

Mr. John Ruegg, Chair, GSWG, and Director, Los Angeles County Information Systems Advisory Body, provided an overview of the Global Privacy Technical Framework. Mr. Ruegg stated that the GSWG has been working on single sign-on and federated identity (ID) in the technical committees, but members have also been working on the policy framework. He stated that when a privacy policy is written, there needs to be a mechanism to translate those policy rules into code in the agency’s information system. He encouraged the group to consider how the policy provisions this group recommends could be coded into system language.

Mr. Ruegg's PowerPoint presentation covered topics such as Components of a Comprehensive Privacy Policy Program; Privacy Policy Rules Statements (including permit and deny, requestor, action [read, edit, etc.], resource, permission, etc.); Assessment of Personally Identifiable Information (PII) Containing Systems (an inventory) and Current System Capabilities (for implementing privacy rules); Policy Enforcement Points (PEPs) and Policy Decision Points (PDPs); and so forth.

The following list highlights questions and group discussion on this topic:

- How similar is the framework compared with private industry?

This framework is based on extensible markup language (XML) Access Control Markup Language (XACML). States are standing up health exchanges and having to implement similar things in the Health domain. A committee within the Office of the National Coordinator for Health Information Technology (ONC), called the XML Security and Policy Access Committee, is writing rules regarding patient consent, etc.

- Will the technical process change the intent of the policies?

Mr. Ruegg stated that he hoped that after viewing this overview, this group would be able to look at its recommended provisions and determine the resulting technical rules, such as who is the requestor, what are the actions, etc. Through this exercise, he conveyed that the policy provisions were maintained in the technical aspect.

- What is the difficulty in implementing the framework in new or established systems?

The best time to implement the privacy technical framework is during the implementation of new information sharing systems. However, for legacy systems, it depends on the system itself. Some may not be conducive to this process, while others are. The rules can be identified and added as part of the services implementation and will add flexibility to extend the application.

- There is concern about agencies that do not have the resources to make these changes.

One basic aspect of the framework is that it is external to the application and therefore does not require changes internal to the system itself. This is an interceptor to the application, which uses standard obligation terms (notify, redact, encrypt, etc.).

- Certain types of information require special handling and obligations. How does the system let the individual (supervisor, privacy officer, etc.) know that human intervention is required?

Some are policy obligations that have to be enforced, and some are machine-type obligations (e.g., a five-year time frame, preadjudication open record versus postadjudication), which are put into the message (a notice on the screen). Not every requirement, however, has a technical systems component; some will be social.

- Does the system have a log function to track individual access?

That obligation could be part of the enforcement, for example, a database law. The obligation would state what information the entity needs to be logged.

- For authentication, when an individual signs on, there is a service (or set of rules) that specifies to what information the individual (or group) can have access. Through authentication, roles are already established that are communicated to the systems. The only difference with the privacy technical framework is that this service moves the roles logic out to each system.

- Is GFIPM being used to do this?

Yes, this is where the authentication occurs prior to sending the request over to the rules engine (the business purpose).

- Do you see establishing the privacy policy as the first step in this process?

Yes, that is correct. Before an entity goes down the road of technical implementation, it needs to establish privacy policy rules.

- Since law enforcement has to access a host of different databases, there are problems associated with having several databases, several licenses, several usernames and passwords, etc., and pulling that data back down from all of these sources simultaneously. Is this being explored as well?

No, this is not within the scope of the privacy policy framework. However, the plan is to talk with vendors about using federated ID, moving their authorization rules, and using a single credential to access those applications using GFIPM.

- What kind of training is available?

An online tutorial is being developed using the content of the slideshow being presented, but there is also a BJA grant to the National Center for State Courts (NCSC) to develop an implementation guide. However, the training will primarily be with a commercial vendor.

Mr. Ruegg facilitated an exercise with the group to identify technical obligations, business purposes, etc., using several policy rule examples. He also illustrated several software solutions that performed these tasks.

Judge Capizzi thanked Mr. Ruegg for doing a wonderful job of explaining this very technical subject in a way that made it understandable.

GPIQWG PRODUCT STATUS: *PRINCIPLES OF FAMILIAL DNA SEARCHING—PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES POLICY DEVELOPMENT TEMPLATE*

Mr. Stevenson referenced a drafting session held on November 2–3, 2011, for the purpose of developing the familial DNA privacy policy template. Attendees leveraged the draft of the *Colorado Bureau of Investigation's Familial DNA Searching Privacy, Civil Rights, and Civil Liberties Policy* to develop the concepts into a model policy template for this unique functionality. Mr. Stevenson referred the group to the first draft of the policy development template contained in the meeting folders. With the four states (Virginia, Texas, California, and Colorado) already implementing familial DNA search capabilities and six more (West Virginia, Pennsylvania, Oklahoma, Wyoming, Illinois, and Florida) in the planning stages, as well as the recent release of an International Association of Chiefs of Police's (IACPs) resolution to encourage agencies that use familial DNA searching to develop privacy policies (copy in meeting folders), Mr. Stevenson emphasized that these products could not be timed better for the field. The current statewide activity illustrates how current this issue is.

Further work that needs to be completed includes clarification of the roles and responsibilities identified in the introductory material. Also, we need to be sensitive to smaller jurisdictions with regard to resources. Our understanding is that this was developed for DNA labs, but we need to take into account that not all labs are the same size.

Mr. Stevenson noted that, to date, the United Kingdom (UK) has the largest number of successes solving crimes (18 to 20) using familial DNA searching. However, it is difficult to locate written documentation on how the UK handles this process.

Mr. Stevenson asked everyone to take time to review the draft template and attend tomorrow's breakout session ready to discuss and refine the product.

GPIQWG PRODUCT STATUS: *GUIDE TO CONDUCTING PRIVACY IMPACT ASSESSMENTS FOR STATE, LOCAL, AND TRIBAL JUSTICE ENTITIES*

Judge Capizzi referenced a drafting session held on October 25–26, 2011, to revise the *Guide to Conducting the Privacy Impact Assessments for State, Local, and Tribal Justice Entities* (PIA Guide). Ms. Becki Goggins, Privacy and Data Specialist, Alabama Health Insurance Exchange, attended this meeting and spoke about the process the team utilized to integrate the concepts and format of the *Privacy, Civil Rights and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities* (SLT Policy Development Template) with the current PIA Guide. Judge Capizzi also commended SEARCH, specifically SEARCH's previous GPIQWG participant Mr. Eric Johnson, the original author of the PIA Guide, for the quality and breadth of information provided in that guide. The value of the information Mr. Johnson

authored is considered highly relevant today and, therefore, was retained in this revised draft. Judge Capizzi encouraged everyone to review the product and come prepared for the following day's breakout session to refine this product.

2012 GPIQWG DELIVERABLES

Judge Capizzi reminded the group about the GESC's process at its annual planning meeting to review and approve working group business plans (and the projects proposed in each) to determine their appropriateness for Global and their value for the coming year. The GESC and GAC have established a list of guiding parameters—GAC Guiding Principles—to help them determine which deliverables the GAC should pursue that support their mission. Judge Capizzi reviewed these principles with the group and advised them that these are the criteria which GPIQWG must follow when choosing projects and products to develop.

Judge Capizzi then referred the group to the draft list of 2012 GPIQWG Recommended Deliverables and informed the group that GAC leadership has requested that GPIQWG focus primarily on several products. "Our GAC leaders have asked that the primary focus for resources this year be on implementation of existing GPIQWG privacy and information quality products," he said.

The following are key discussion points regarding the list of recommended deliverables and other suggested GPIQWG projects:

- **Applicability to Courts:** Few resources developed by Global relate to the courts. Most Global products do not appear to have a direct connection. Is there some way to look at the Global products to determine how they may be made useful for the courts? Perhaps an educational product that illustrates the connection to courts?
- **Privacy Policies for New Technologies:** Cell phone tracking and device tracking (and other personal devices, such as iPads) is a current issue. Figuring out what is legal and what are the boundaries has been a struggle for law enforcement. Another aspect is tracking geospatial positioning system (GPS) devices on cars. In Ohio, numerous cases have involved law enforcement and individuals' personal cell phones (e.g., cell phones or personal diaries). The Supreme Court will be ruling soon on the tracking of phones and also on GPS units that law enforcement agents can attach to your car without a warrant. It is unclear whether the ruling will provide enough guidance. If clear rules and policies are not established, the ability for law enforcement to use those devices will be lost. These suggestions directly relate to the recommendation for Privacy Policies for New Technologies. Using this resource, an agency confronted with a new technology can answer a list of questions (what does this say about collecting, merging, sharing data, etc.)—a type of checklist of considerations. It was suggested that the group talk about technology more in a generic sense and emphasize its nexus to justice information sharing. Also, new technologies and new uses of or applications for technologies should be considered.
- **Juvenile Justice:** It was noted that there is no juvenile justice product included in the recommended deliverables list. On the one hand, offender programs are ramping up, trying to release kids out of secure facilities. On the other hand, there is warranted concern by the community about the relationship between childhood trauma and the propensity for a child to later become an offender. There are privacy issues when these things overlap.
- **Privacy Officer 101 Training:** This is an opportunity for GPIQWG to advocate for a privacy officer role in a justice entity (either as a full-time position or through responsibilities assumed as part of another position). This resource could include curriculum, core concepts, and even a basic job description for privacy officers (for example, list the roles identified in the SLT Policy Development Template, identify the training resources already available, and determine where gaps exist and draft content to address them). We will need to identify the audience, since there are few privacy officers outside fusion centers.
- **Information Quality:** What products focus on information quality (IQ)? There was a suggestion to explore predictive analytics as related to IQ. This rings true in the OJJDP arena. OJJDP has been approached by several organizations that claim they can predict which juveniles will become offenders. Is there a way to combine a juvenile justice and IQ effort to satisfy both OJJDP and IQ needs?

Another IQ problem is regarding the booking of offenders—getting the wrong demographics. We put an immense amount of information in determining who is who.

Judge Capizzi confirmed with the group to move forward with the following deliverables, but he noted that we will need to be clear that any products proposed for group focus must demonstrate a nexus to justice information sharing.

- Privacy Officer 101 Training Resource
- Updating the Privacy Guide Overview CD
- Privacy Policy Wizard
- Privacy Policy for New Technologies
- Exploration of collaboration with OJJDP and a juvenile justice product
- Information quality resource

Action item: Kevin Bowling, Court Administrator, 20th Circuit Court, Ottawa County Michigan; Mr. Joe Mollner, Senior Director, Delinquency Prevention, Program and Youth Development Services, Boys & Girls Clubs of America; Mr. Dennis Mondoro (with suggestions/input solicited from Jeff Slowikowski), Policy Advisor, Strategic Community Development Officer, OJJDP; and Martha Steketee, GPIQWG Independent Consultant, will consult to discuss a potential deliverable that addresses juvenile justice issues while meeting the criteria set forth in the GAC Guiding Principles. The Institute for Intergovernmental Research (IIR) will host a conference call to discuss and scope recommendations.

Action item: Alan Carlson will draft a paragraph for the GPIQWG business plan to propose the “privacy policy for new technologies” deliverable.

Action item: Ms. Christina Abernathy, IIR, will e-mail a solicitation to the working group to suggest IQ products and then hold a conference call to scope recommendations to one or two potential deliverables.

GLOBAL AND GPIQWG OVERVIEW: CONFERENCE PRESENTATION

Judge Capizzi informed the attendees that during the past year, he has been requested to provide presentations at various conferences and events on Global privacy endeavors, mostly GPIQWG. Recently, he spoke at the 2011 National Forum on Criminal Justice and Public Safety, the OJJDP Children’s Justice and Safety Conference, and the Western Interstate Child Support Enforcement Council Conference.

Judge Capizzi asked GPIQWG members to view the presentation he currently uses to educate audiences on “what is privacy,” “why you need a privacy policy,” and the suite of Global products, and requested their feedback on how to improve it. He also offered to provide this presentation to any GPIQWG member’s organizations and/or events. Note: For various conferences, regular exhibit booths can be made available with all Global products, but since Global has only a limited amount of funding, waiving exhibitor fees is important.

The following highlights the discussion following the presentation:

- After the presentation, are attendees given products to take home? Yes, products are normally provided at the presentation or attendees are referred to a Global product booth where GPIQWG products are available.
- Regarding Slide Six, “What Is A Privacy And Civil Liberties Policy?” it would be helpful to distinguish between a privacy policy and a security policy and emphasize that security does not cover everything relevant to privacy.
- Regarding Slide Seven, when you talk about the appropriate collection, use, and release of PII, there was no depth to the PII discussion. Judge Capizzi stated that PII was originally described in more detail, but striking a balance between providing depth and keeping the audience’s attention was at issue, so it was scoped down.
- When referencing HIPAA and the Family Educational Rights and Privacy Act (FERPA), it is recommended that the presentation focus on HIPAA and 42 CFR rather than FERPA because 42 CFR is more comprehensive.

NEXT STEPS AND CLOSING REMARKS

Judge Capizzi thanked everyone for their participation and input at today's meeting and reminded the group to review the draft products in the meeting folders in preparation for tomorrow's breakout sessions.

The meeting was adjourned at 4:30 pm.

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November 16, 2011—Meeting Summary

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Montgomery County, Ohio, Juvenile Court

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Erin E. Kenneally, Esquire
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GUEST SUBJECT-MATTER EXPERT:

Mr. Michael McDonald
Delaware State Police

Sheriff Michael Milstead
Minnehaha County, South Dakota, Sheriff's Office

Mr. W. Dave Russell
Fairfax County, Virginia, Police Department

IIR STAFF:

Ms. Christina Abernathy

Institute for Intergovernmental Research

Ms. Terri Pate

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WELCOMING REMARKS AND INTRODUCTIONS

Judge Capizzi welcomed the attendees to the second day's meeting and described the format of today's breakout sessions. He reviewed the list of task team members and guided the teams to focus on refining their respective draft products, identifying remaining tasks to be completed, and using the production timeline to have the products ready for the April 2012 GAC meeting.

TASK TEAM SYNOPSIS AND STATUS REPORTS

Familial DNA Privacy Policy Task Team

This team was assembled for the purpose of refining the draft of *Principles of Familial DNA Searching—Privacy, Civil Rights, and Civil Liberties Policy Development Template*.

Lead: Phil Stevenson

Christina Abernathy

Alan Carlson

Kathleen deGrasse

Owen Greenspan

Erin Kenneally

Greggory LaBerge

Mike McDonald

Steve Siegel

Brian Sterling (for Ayn Crawley)

The following highlights the discussion and key activities during this breakout session and the tasks reported during the task team status report:

- Familial DNA (F-DNA) searching can be performed at the local level, where the database grows faster than the national level database. In reality, a national-level database search is less likely to return a hit than would the state-and-local-level databases.
- Do private labs have the same privacy obligations as public sector labs?
- The team determined that content was needed in the introduction to educate readers on how F-DNA works.
- The team drafted content for the “Who Should Use the Template” section of the introduction.
- F-DNA SME, Greggory LaBerge, Ph.D., Director, Crime Laboratory Bureau, Denver Police Department, worked with the team to revise the “Information Quality Assurance,” “Analysis,” and “Retention and Destruction” sections of the template to ensure that the provisions and sample language recommended accurately reflected this science and its processes.
- The team replaced the word “expungement” with “removal.”
- The terms and definitions were refined.

Action Item: Ms. Abernathy will update the template to reflect all changes and send it out to the task team for another review in December. A follow-up conference call will be held, and any resulting changes will be incorporated into the next draft. Following this review, an updated (and final draft) version will then undergo a formal GPIQWG vetting period

prior to the next GPIQWG meeting. Following this period, the resulting draft will be finalized and forwarded to BJA for an informal BJA/OJP review prior to submitting to the GAC in April 2012.

PIA Task Team

This team was assembled for the purpose of refining the draft of the *Guide to Conducting Privacy Impact Assessments for State, Local, And Tribal Justice Entities* (PIA Guide).

Lead: Judge Capizzi

Kevin Bowling
Steve Cumoletti
Brooke Dickinson-Knowles
Becki Goggins
Bob Greeves
Anne Elizabeth Johnson
Mike Milstead
Jason O'Neal
Terri Pate
Charles Robb
Steve Serrao
Martha Steketee
Alecia Webb-Edgington
Tammy Woodhams

The following highlights the discussion and key activities during this breakout session and the tasks reported during the task team status report:

- Prior to the October 25–26, 2011, drafting session, Ms. Goggins merged the old PIA template with the new concepts in the SLT Privacy Policy Development Template and then pared down and refined the questions.
- Ms. Brooke Dickson-Knowles, Privacy Coordinator, Program Manager, Information Sharing Environment, Office of the Director of National Intelligence, suggested the possibility of adding a few questions (perhaps for a modified PIA) regarding information obtained from social media. In every paragraph, we refer to system or information sharing initiative. When asking the threshold questions, should we be thinking broader than systems, or should we just mention social media somewhere in the document? The issue of social media and PII is about what information the agency can access and share. Since your organization has been granted access to this information, are you acting on that information or not? You need to reassure people that you are not taking advantage of the fact that you have access to their information (for example, when you “like” an organization on Facebook, that organization has access to your personal information shared on your page). This will require further discussion, since the PIA is designed to evaluate the privacy risks in an entity's information system and not the risk associated with personnel's access to external social Web sites. Is the information obtained from social media then loaded into the justice system? These questions will need to be explored further in order to design appropriate PIA questions.
- There appear to be two different audiences. The first eight pages target executives who make the decision whether a PIA is needed, whereas the template in the appendix is focused on the person responsible for completing the PIA. The authors have done a good job of integrating the need for a PIA with the other privacy products and processes. Is the language on pages five to seven redundant? Discussion led the team to conclude that a large portion of the audience is still uninformed about the PIA process and that the redundancy and separate steps help with clarification.
- Since this is an SLT-focused product, it may be more beneficial to have two or three PIA examples from SLT agencies, rather than the existing federal examples. It may also be helpful to add examples and/or links to existing PIAs either at the end of the document or within the SLT examples used.

- Readers will first need to understand what PII is before they can determine whether their systems contain PII using the privacy threshold analysis (PTA). We should add a definition of PII to the introductory section that introduces the terms “PIA” and “privacy policy.”
- Remove the title “Do You Need a PIA?” and merge content into “”When to Perform a PIA.”
- For privacy threshold question two: Reword to read, “Does your system operate under specific or general legal authority?” In the rationale section, explain what is meant by the question.
- We may need to further define the suggested respondents (for example, system administrator).
- Is there a better way to list the respondents in the template (for example, grouping the questions by party responsible for answering them rather than by the policy concepts, structure, and format of the SLT Policy Development Template, or color coding the questions by respondent)? Note: Color printing is much more expensive than black and white. As such, the printing costs would have to be approved through the Global grant management.
- We may want to suggest that rural and small police departments pool resources to complete the assessment. We should add a paragraph in the introductory section speaking to the importance of answering all of the questions but suggesting that resources be pooled for smaller agencies (for example, guiding readers to think outside the box; go to their sheriffs or police chiefs’ associations and pool resources to complete the form).
- We may want to add contact information for questions people have when completing the assessment. Also, we may want to request feedback on the document, if they use it, to help improve it overall and to help gather success stories.
- We need to enhance the list of other resources to turn to for assistance.

Action Item: Ms. Dickson-Knowles will put together some language to add to the introductory section on social media concerns and send it to Ms. Abernathy.

Action Item: Mr. Steve Serrao, Director, Memex, Law Enforcement Solutions, U.S., Memex, Inc.; Mr. Paco Aumand, Director, Division of Criminal Justice Services, Vermont Department of Public Safety; and Ms. Goggins will rewrite the rationale to threshold question two and send it to Ms. Abernathy.

Action Item: Sheriff Mike Milstead, Minnehaha County, South Dakota, Sheriff’s Office, will draft content for pooling resources and send it to Ms. Abernathy.

Action item: Over the next two weeks, the team will supply recommendations. A revised draft will be sent back out to the members of this task team for review, followed by a vetting period for GPIQWG prior to the next meeting.

NEXT STEPS AND CLOSING REMARKS

Judge Capizzi thanked everyone for their participation and hard work in the breakout sessions at today’s meeting. He reviewed the action items and encouraged those responsible for specific writing tasks to complete them in a timely fashion and send them to Ms. Abernathy.

He stated that the next meeting date will be announced via e-mail once all member availability responses are received.

The meeting was adjourned at 12:00 Noon.

Global Justice Information Sharing Initiative (Global) Privacy and Information Quality Working Group (GPIQWG) Meeting



Hyatt Fairfax at Fair Lakes
12777 Fair Lakes Circle
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(703) 818-1234

Commonwealth A & B Banquet Rooms



United States
Department of Justice

Agenda—Tuesday, November 15, 2011

8:30 a.m. – 9:00 a.m.

Welcoming Remarks and Overview

*The Honorable Anthony Capizzi, GPIQWG Chair and Judge,
Montgomery County, Ohio, Juvenile Court*

Topics

- ♦ Welcome:
 - New Member—Mr. Charles Robb, Senior Policy Analyst, National Association of State Chief Information Officers (NASCIO)
 - Returning Guest—Mr. Jason O’Neal, Chief of Police, Chickasaw Nation Lighthorse Police Department, Oklahoma
 - Returning Guest—Mr. Dennis Mondoro, Strategic Community Development Officer, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice (DOJ)
 - GAC Member—Mr. John Ruegg, Director, Los Angeles County Information Systems Advisory Body, Los Angeles County Board of Supervisors, California
- ♦ Newly published revised GPIQWG products (in meeting folders):
 - *Executive Summary for Justice Decision Makers: Privacy, Civil Rights, and Civil Liberties Program Development*
 - *7 Steps to a Privacy, Civil Rights, and Civil Liberties Policy*
 - *Policy Review Checklist*
- ♦ GAC-approved new GPIQWG product:
 - *An Introduction to Familial DNA Searching: Issues for Consideration* (in meeting folders)
- ♦ June 29, 2011, GPIQWG draft meeting summary
- ♦ Agenda overview
- ♦ Next GPIQWG meeting date for 2012

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United States
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Agenda—Tuesday, November 15, 2011 (continued)

9:00 a.m. – 9:30 a.m.

Global Updates

Mr. Carl Wicklund, Global Advisory Committee (GAC) Vice Chair and Executive Director, American Probation and Parole Association

Topics

- ◆ September 28, 2011, meeting—Office of Juvenile Justice and Delinquency Prevention (OJJDP) staff
 - OJJDP enhanced participation in Global committees
 - Coordinating Council on Juvenile Justice and Delinquency Prevention
 - Federal Advisory Committee on Juvenile Justice
- ◆ Meeting updates:
 - GESC Summer Planning Meeting—August 3, 2011
 - GESC, October 12, 2011, and Global Advisory Committee (GAC), October 13, 2011
- ◆ New OJP Grantee Meeting and Conference Cost Guidelines
- ◆ Global working group updates

9:30 a.m. – 10:00 a.m.

Status of Other Privacy Efforts

Mr. Wicklund

Mr. Bob Greeves, Policy Advisor, Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ)

Mr. Thomas MacLellan, Program Director, Justice and Public Safety, Center for Best Practices, National Governors Association

Mr. Brian Sterling, Civil Liberties Institute, Office of Civil Rights and Civil Liberties, U.S. Department of Homeland Security

Projects

- ◆ Privacy policy for reentry information, sponsored by the Association of State Correctional Administrators (ASCA) and APPA
- ◆ Privacy technical assistance effort—South Dakota, BJA, and NGA
- ◆ NGA High Performing Justice Information Sharing Working Group
- ◆ DHS Privacy and Civil Liberties Portal and other privacy initiatives
- ◆ Other project updates

10:00 a.m. – 10:15 a.m.

Break

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Agenda—Tuesday, November 15, 2011 (continued)

10:15 a.m. – 11:00 a.m.

Global Privacy Technical Framework

Mr. John Ruegg, Chair, Global Security Working Group, and Director, Los Angeles County Information Systems Advisory Body

Topics

- ◆ GPIQWG's privacy requirements
- ◆ Privacy requirements and technical implementation

11:00 a.m. – 12:00 Noon

GPIQWG Product Status: Principles of Familial DNA Searching—Privacy, Civil Rights, and Civil Liberties Policy Development Template

Mr. Phil Stevenson, GPIQWG Vice Chair and Director, Statistical Analysis Center, Arizona Criminal Justice Commission

Topics

- ◆ International Association of Chiefs of Police (IACP) Resolution – “Familial DNA Searches”
- ◆ November 2–3, 2011, task team meeting updates
- ◆ GPIQWG draft product review
- ◆ Tasks for completion
- ◆ Vetting and outreach of product
- ◆ Breakout group assignments

12:00 Noon – 1:30 p.m.

Lunch (on your own)

1:30 p.m. – 2:00 p.m.

GPIQWG Product Status: Guide to Conducting Privacy Impact Assessments for State, Local, and Tribal Justice Entities

Judge Capizzi

Topics

- ◆ October 25–26, 2011, task team meeting updates
- ◆ GPIQWG draft product review
- ◆ Tasks for completion
- ◆ Breakout group assignments

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Agenda—Tuesday, November 15, 2011 (continued)

2:00 p.m. – 3:15 p.m.

2012 GPIQWG Priorities

Judge Capizzi

Topics

- ◆ GAC guidance—“Implementation” focus for 2012
- ◆ Review of GPIQWG recommended deliverables
- ◆ Scoping and group discussion
- ◆ Final recommendations for 2012 GPIQWG Business Plan

3:15 p.m. – 3:30 p.m.

Break

3:30 p.m. – 4:15 p.m.

Global and GPIQWG Overview: Conference Presentation

Judge Capizzi

Topics

- ◆ Recent presentations:
 - 2011 National Forum on Criminal Justice and Public Safety
 - OJJDP Children’s Justice and Safety Conference
 - Western Interstate Child Support Enforcement Council Conference
 - Arizona Forensic Services Advisory Committee
- ◆ PowerPoint overview/GPIQWG refresher
- ◆ Recommendations

4:15 p.m. – 4:30 p.m.

Next Steps and Closing Remarks

Judge Capizzi

Topics

- ◆ Review of today’s action items
- ◆ Plan for the following day’s GPIQWG meeting

4:30 p.m.

Adjournment

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United States
Department of Justice

Agenda—Wednesday, November 16, 2011

8:30 a.m. – 8:45 a.m.

Introduction and Charge for the Day

Judge Capizzi

Topics

- ◆ Welcome
- ◆ Review of today's goals and charge to the task teams
 - Familial DNA Search Model Privacy Policy Task Team
 - Scope and target audience
 - Draft/update introductory material
 - Refine policy and guidance
 - Privacy Impact Assessment (PIA) Task Team
 - Scope target audience
 - Refine instructions and guidance
 - Review and refine PIA template

8:45 a.m. – 10:00 a.m.

Breakout Sessions

Judge Capizzi

GPIQWG Breakout Groups

- ◆ Familial DNA Search Model Privacy Policy Task Team
- ◆ PIA Task Team

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 11:15 a.m.

Breakout Sessions (*continued*)

11:15 a.m. – 11:45 a.m.

GPIQWG Task Team Status Reports

Judge Capizzi

Topics

- ◆ Familial DNA Search Model Policy Task Team
- ◆ PIA Task Team

11:45 a.m. – 12:00 Noon

Next Steps and Closing Remarks

Judge Capizzi

Topics

- ◆ Review of action items and assignment of tasks
- ◆ Reminder, 2012 GPIQWG meeting

12:00 Noon

Adjournment



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