

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

Washington, DC
March 23–24, 2010

March 23, 2010—Meeting Summary

Welcoming Remarks and Introductions

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 March 23, 2010, in Washington, DC, at 8:30 a.m. EST, led by the Honorable Anthony Capizzi (Judge Capizzi), Montgomery County, Ohio, Juvenile Court and GPIQWG Chair. The following individuals were in attendance.

Chair

The Honorable Anthony Capizzi

*Montgomery County, Ohio, Juvenile Court National
Council of Juvenile and Family Court Judges*

Vice Chair

Mr. Phil Stevenson

Arizona Criminal Justice Commission

Ms. Beverly R. Allen (*IJIS Representative*)
Booz Allen Hamilton

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

Ms. Mary Ellen Callahan
*Privacy Office
U.S. Department of Homeland Security*

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

Ms. Ayn H. Crawley
*Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security*

Ms. Debra DeBerry (*GAC Member*)
DeKalb County, Georgia, Courthouse

Lieutenant Kathleen deGrasse
Illinois State Police

Ms. Alissa Huntoon
*Bureau of Justice Assistance
Office of Justice Programs
U.S. Department of Justice*

Barbara Hurst, Esquire (*GAC Member*)
Rhode Island Office of the Public Defender

Mr. Eric C. Johnson
*SEARCH, The National Consortium for Justice
Information and Statistics*

Erin Kenneally, Esquire
eLCHEMY, Incorporated

Mr. Gregory S. LaBerge
*Crime Laboratory Bureau
Denver Police Department*

Mr. Thomas MacLellan
*Center for Best Practices
National Governors Association*

Sheriff Michael Milstead (*GAC Member*)
Minnehaha County Sheriff's Office

Mr. Mark Motivans
*Bureau of Justice Statistics
U.S. Department of Justice*

Lieutenant Leo Norton
*LASD Records and Identification Bureau
Los Angeles County Sheriff's Department*

Mr. Dave Russell
*Northern Virginia Regional Identification System
(NOVARIS)
Fairfax County Police Department*

Mr. Steve Siegel
Denver District Attorney's Office

Ms. Cindy Southworth
National Network to End Domestic Violence

Ms. Martha W. Steketee
Independent Consultant

Mr. Randall Wickline
*Criminal Justice Information Services Division
Federal Bureau of Investigation*

Ms. Tammy Woodhams
National Criminal Justice Association

Guest Observers
Ms. Heather Cameron
*Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security*

Ms. Brooke Dickson-Knowles
*Program Manager, Information Sharing
Environment
Office of the Director of National Intelligence*

Mr. Chuck Purhl
*Privacy Office
U.S. Department of Homeland Security*

Guest Presenters

Ms. Gwen Dilworth
*Office of Juvenile Justice and Delinquency
Prevention*

Ms. Stephanie Rondenell
*OJJDP Justice Information System
Center for Network Development*

Staff
Ms. Christina Abernathy
Institute for Intergovernmental Research

Ms. Terri Pate
Institute for Intergovernmental Research

Mr. John J. Wilson
Institute for Intergovernmental Research

Judge Capizzi welcomed everyone to the first GPIQWG meeting of 2010. Introductions were made around the room followed by a request for approval on the September 8–9, 2009, GPIQWG meeting summary. The meeting summary was unanimously approved. He announced that the next scheduled GPIQWG meeting would be held July 13–14, 2010, in the Washington, DC, area.

He spoke about GPIQWG and Global's efforts to secure a meeting with Mr. Jeff Slowikowski, the Acting Administrator for the Office of Juvenile Justice and Delinquency Prevention (OJJDP), in an attempt to coordinate future efforts between Global and OJJDP. This meeting was finally scheduled and will occur today, March 23, 2010, from 2:30 pm to 3:00 p.m. EST. Judge Capizzi will be departing the GPIQWG meeting for a short duration to attend this meeting, along with Mr. Carl Wicklund, GAC Vice Chair. He stated that upon his return, an OJJDP representative would be in attendance and would provide a brief presentation to GPIQWG on OJJDP's information sharing efforts.

Judge Capizzi provided an overview of the agenda and informed the group that Ms. Jeanette Plante, long-standing member of GPIQWG and former GPIQWG Vice Chair, had sent her regrets that she can no longer participate on the group because of competing professional priorities. He stated that Ms. Plante had been a great contributor to this group and directed the completion and success of many of GPIQWG's foundational documents. She will genuinely be missed.

Judge Capizzi welcomed Ms. Alissa Huntoon, the new Policy Advisor on the Justice Information Sharing/Law Enforcement Teams for BJA as a new member to the group. Ms. Huntoon replaces Mr. Michael Dever, who moved to a different position within OJP. He also welcomed Ms. Mary Ellen Callahan, Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security (DHS). "We have a great group of experts on GPIQWG," said Judge Capizzi, "and it shows in our work." Finally, Judge Capizzi stated that GPIQWG had been working to locate an appropriate GPIQWG member to represent tribal interests. After several recommendations, Ms. Josephine Foo, attorney for the Navajo Nation Supreme Court, was selected as a likely candidate. She will be attending the next meeting and a final determination of membership will be made following that meeting.

The Global Advisory Committee (GAC) will meet on April 8, 2010, and the Global Executive Steering Committee (GESC) on April 7, 2010. The GESC meets at the beginning of each year to review working group business plans. At the January 2010 GESC planning meeting, GPIQWG's business plan was discussed and approved.

Judge Capizzi reviewed the Global Intelligence Working Group (GIWG) and Criminal Intelligence Coordinating Council (CICC) updates outlined in a summary contained in the meeting materials. He also provided a status on the Global Outreach Working Group (GOWG). He emphasized how important it was to focus on the distribution and promotion of Global products. He briefed the group on several speaking engagements he attended where GPIQWG products were featured. These included the 2010 National Fusion Center Conference, the Center for Legal Court Technology Conference (which hosts judges, court administrators, and academics), and the National Council for Juvenile Court Judges meeting. The new information quality (IQ) series products were provided at all three of these events and were very popular.

Judge Capizzi reviewed with the group the key points of the Global Standard Package effort—a consolidation of Global resources into a package for use throughout the country and for determining where gaps exist that may require resource development.

DHS Office of Civil Rights and Civil Liberties

Ms. Ayn Crawley, Director, Civil Liberties Institute, Office of Civil Rights and Civil Liberties, DHS, gave a status on this office's efforts. The Civil Liberties Institute is continuing its mission to train fusion centers. In 2009, a pilot was completed, with 12 training sessions held in 12 states. The Institute will be using the feedback and lessons learned from these sessions to update the materials into a toolkit with a "train-the-trainer" design. The toolkit will help privacy and civil liberties officials at each fusion center perform the same training as offered in the pilots. Ms. Crawley will deliver this training in coordination with the regional fusion center meetings held in April 2010. This endeavor will continue to be supported through technical assistance in conjunction with DOJ and the Institute for Intergovernmental Research (IIR). Finally, the Civil Liberties Institute currently working on a major expansion of the Privacy and Civil Liberties Web portal.

Status of Other Privacy Efforts

Mr. Eric Johnson, Justice Information Services Specialist, Law and Policy Division, SEARCH, The National Consortium for Justice Information and Statistics, provided an update on the National Governors Association Center for Best Practices' Privacy Policy Academy. Two grant candidates are currently going through the policy academy—the CONNECT consortium and Hawaii's Justice Information System (HJIS). CONNECT developed an integrated sharing system, begun in 2002, in which four states (Alabama, Kansas, Nebraska, and Wyoming) were selected to participate because of their compatibility. They addressed governance and policy issues first and technological issues second. CONNECT plans to share driver's license information initially. The CONNECT representatives recognized the value of addressing privacy issues, which was the motivation for their application to the policy academy. Through this initiative, they have completed privacy impact assessments (PIAs) for each participating state and a draft CONNECT privacy policy. An on-site meeting was held in Honolulu in February 2010 between Hawaii's representatives and the privacy policy academy technical assistance providers. HJIS representatives were walked through the steps of drafting a privacy policy and recommended revisions to their first draft. A second meeting was held in Denver in March 2010 with both policy academy candidates to further refine the HJIS policy and to discuss methods for implementation. HJIS is currently working on updates to its draft privacy policy.

Mr. John Wilson, IIR, provided an update on the FC privacy policy review process. He described updates that were recently made to the *Fusion Center Privacy Policy Development Template*. No new provisions were added; rather, the team applied the experiences gained from reviewing 61 center privacy policies and enhanced the language to improve understandability, clarifications, etc. Mr. Wilson stated that the enhancements made included those related to privacy, redress, recommending the privacy policy be available and posted on the fusion center's Web site, and revisions to security breach notification language, and to the training section. The template provides readers with a workbook question and a model answer (sample language) to help guide centers in drafting their own provisions to address the question. The team consulted with DHS' Privacy Office, which is now responsible for making the determination that the fusion center policies are "at least as comprehensive as the *Information Sharing Environment (ISE) Privacy Guidelines*." DHS' privacy considerations necessary to make the ISE determination

were used to revise the ISE components of the template. Much time was spent consulting with DHS privacy representatives, both the Office for Civil Rights and Civil Liberties and DHS' Privacy Office, DOJ, and IIR. The revised template was circulated among members of this group, who made excellent recommendations. Most of the recommendations were included in the update. IIR's Privacy Policy Review Team (PPRT) has forwarded 15 policies to DHS for approval. Of these, ten have already been determined to have met the ISE Privacy Guidelines requirement. DHS has established a two-week review turnaround for their office. By the end of the year, as required by *2010 FY Homeland Security Grant Program Guidance*, each center is required to have an approved privacy policy that meets the *ISE Privacy Guidelines* requirement. This is a key win for privacy advocates—the requirement that federal agencies and fusion centers have privacy policies that meet these requirements. To date, 61 of the 72 primary-designated fusion centers have drafted privacy policies and are in the process of getting them finalized.

Judge Capizzi asked the group for a final approval of the *Fusion Center Privacy Policy Development Template*. The template was approved and will be presented to the GAC on April 8, 2010, for publication approval. He also referred to the *Fact Sheet: Enhancing the Privacy, Civil Rights, and Civil Liberties Framework for State and Major Urban Area Fusion Centers*, which was included in the meeting folder—a four-pager summarizing the DHS/DOJ Fusion Process Technical Assistance Program and Services with respect to the privacy, civil rights, and civil liberties framework, privacy policy review process, and compliance with the *2010 FY Homeland Security Grant Program Guidance* requirements, technical assistance, resources, tools, training available to centers, and participation in the Nationwide Suspicious Activity Reporting Initiative (NSI).

Privacy Implications of the Transportation Security Administration's (TSA) Use of Millimeter Wave Whole Body Imaging (WBI)

Mr. Phil Stevenson, Arizona Criminal Justice Commission, and GPIQWG Vice Chair, provided a summary of the conference call held among Mr. Peter Pietra, Privacy Officer, Transportation Security Administration (TSA), Ms. Mary Ellen Callahan, DHS CPO, and 18 GPIQWG members. Probably the most relevant information that resulted from the conference call was learning that there were local agencies using this body imaging technology (Colorado Springs Court House, Cook County Court House, Department of Corrections Facility/Pennsylvania, Douglas County Colorado Justice Center, Montana State Prison, and Utah State Correctional Facility). It would be useful to know whether each of these agencies completed a privacy impact assessment (PIA) and whether each has drafted a privacy policy outlining its privacy protections in the use of this technology. He referred the group to the conference call summary included in the meeting folder that outlined the efforts made by TSA to reach out to privacy interest groups and solicit feedback on how best to protect privacy while ensuring the safety of passengers.

"After having attended the call and reviewing the TSA information, where should GPIQWG go from here with regard to this topic?" asked Judge Capizzi. "Are there suggestions on further work on this, or is this group satisfied that TSA has been comprehensive in their efforts and do we want to consider the local use of this technology as our focus?" The following are key suggestions made by the attendees:

- The problem is that if one of these local agencies has a violation, it may have a negative effect on TSA's use. It would be useful to draft a flyer that informs agencies that if they are looking at this technology, to please consider the following protections regarding privacy. This would be very useful to chiefs of police, sheriffs, and law enforcement as a reminder of what they need to consider.
- A major concern, however, is that the use of whole body imaging (WBI) avoids all the core questions around privacy (e.g., balancing the intrusion against the efficacy of the steps of its use—a virtual strip search). No debate among this group has occurred regarding the trade-off between the intrusion of privacy and the assurance of safety. If GPIQWG develops a primer for local agencies to consider (using TSA's model as an example to follow), would that not put us in the position of supporting WBI and avoiding the intrusion discussion in the first place?
- We should note that the use of these devices in places—such as corrections or a courthouse—is for deterring a potential danger that is based on the actual context of fact. The reality is that the screening subjects are primarily prisoners and suspected criminals who may be going to court.
- Ms. Debra DeBerry, Chief Deputy, DeKalb County Courthouse, said that en route to this meeting, she had an opportunity to speak to an TSA employee at the Ronald Reagan International Airport (DCA),

and she asked about the WBI screening process (Note: DCA currently has one unit installed.). This employee indicated that the screeners had been through training and that none of the other workers knew who was stationed inside the viewing room, which was located elsewhere. The employee also stated that there was an option for passengers to refuse the scan and accept instead an x-ray and a pat-down but that it did raise a red flag for TSA.

- It would be interesting to find out how DCA passengers were selected for going through this one scanner. From a security standpoint, what are the triggers that identified such passengers?
- Some courthouses use screening devices in which the image does not illustrate an unclothed body; rather, it highlights, in dots, the particular areas of the body where there are suspected hidden items.
- GPIQWG should not get into any operational issues relative to the deployment of these machines, other than to use WBI as one of our examples in the biometrics resources. This is another type of new biometric technology that falls under the umbrella of biometric privacy issues that we are currently exploring. Privacy issues are real privacy issues—unclothed images of your body—whereas we are focused on information sharing issues. These scans are not fed into an information system, such as a database, for sharing.
- It should be noted that choosing not to store an image is a policy choice of the agency using the technology, whether TSA or a local agency. However, the fact that the functionality is available to store it, regardless of whether you choose to, might fall under GPIQWG's purview. It would be useful to find out from the manufacturer what the other options on the device actually are—to store or not store the image, to blur or not blur the face or any other portion of the body, a choice in the level of clarity of the image, etc.

Action item: Ms. Beverly Allen, Senior Association, Booz Allen Hamilton, and GPIQWG IJIS Institute representative, will do some research with the vendor(s) to uncover the functionality options for the WBI device.

GPIQWG Exploration of the Term “Privacy”

Barbara Hurst, Esquire, Rhode Island Office of the Public Defender, proposed that GPIQWG take some time to explore how GPIQWG defines the term “privacy.” The reason for this is that, if through GPIQWG resources we expect an individual working in the justice community to know what constitutes a violation of privacy, then GPIQWG resources ought to clarify exactly what that is. While tackling what constitutes a privacy issue among this group may be a small challenge for us, it is even harder for those in the field who have no experience with privacy to be able to make these determinations. For example, we should provide information on what the difference is between a privacy interest and a privacy right. Simply defining personally identifiable information (PII) is limiting. As GPIQWG tries to illustrate examples and provide guidance, the first questions are “Why? What does it have to do with privacy?” This type of information should be included in the process of privacy education. The following are key comments/suggestions made by attendees during this discussion:

- The concept of “plain view” (for example, tags on cars parked in a shopping mall being susceptible to scanning by police and mall security) could raise privacy issues. What is personally identifiable about a license plate in a parking lot at a particular point in time when there is no information on who is actually driving the vehicle? How is it related?
- There is also the issue of “derived data.” License plate readers that read plates, for example, of vehicles leaving England and entering Scotland, time stamp the images. If a car returns in under an hour, it is directed to a drug-screening area. The derived data in this case is the time stamp itself, a result of the technology.
- From a conceptual level, there are gaps between laws and policies—what they control versus what technology is introducing in terms of capability. Are laws and policies **creating** a reasonable expectation of privacy **or** are our laws and policies **informed by** our reasonable expectation of privacy?
- NGA is planning a forum for governors on technology and forensics, cyberidentity theft, etc., and will be exploring how these advanced technologies and policies intersect. It may be worth doing a 60,000-

foot-view awareness piece regarding the privacy implications of these advancements (e.g., predictive policing, derived data, plain view).

- Should we include the behavior aspect of privacy in this description? When one exhibits a certain behavior in public that is not the norm of the crowd, no matter what the external source is that may be causing the behavior, is privacy intrusion a potential (for example, heart rate, sweating)?
- How long do you hold onto this type of collected information (for example, license plate readers)? Conversely, if you do not hold onto certain information, how can you connect the dots later?
- What is the definition of an individual as it relates to privacy? The notion of PII is fiction. It is well-known you can take secondary information and use it to identify individuals.
- GPIQWG might consider creating a task team that explores the development of a document geared toward identifying the issues that people ought to look at with regard to these concerns. Cataloguing technology advances would be a good idea.

Action item: Judge Capizzi stated that the privacy products task team would take on this task after incorporating the privacy template into the privacy guide. This team will review the revised privacy guide and explore the definition of privacy, as well as what constitutes privacy concerns, based on this discussion.

The meeting was adjourned at 12:00 Noon for lunch and was reconvened at 1:30 p.m. EST.

GPIQWG Biometrics

Though a large task team is currently assigned the task of developing the biometrics primer, Mr. Stevenson stated that he wanted to bring the document back to the full membership as a status update and for a facilitated discussion (prior to the breakout sessions tomorrow). There is a mock-up of the biometrics primer in flyer format in the meeting folders for the group to review. This discussion is for the purpose of advising the task team for its work the next day. Also, there is a link in the primer to additional resources that will be located at www.it.ojp.gov/biometricsprivacy. The content for these resources is also provided in the meeting folders.

Action items suggested for the task team:

- The privacy risk framework for “greater risk of privacy” should be changed to read “greater need for privacy protections.” Since privacy is context dependent, the items in this column are the contexts you would consider.
- In using these frameworks, it was also understood that an agency would discover overlapping and/or multiple risks in its handling or use of biometric technology, not just one risk. The team will write better introductory language clarifying this point.
- It would be helpful if only those examples/scenarios that relate to the concepts presented earlier in the flyer were highlighted.
- The list of biometric privacy Web resources should be enhanced with information quality-related resources and the categories revisited.
- The team will check the linking policy for each document and listed Web source to confirm that GPIQWG can post a link to that site or document.

At the December 15–16, 2009, GPIQWG meeting, it was suggested that GPIQWG complete three or four case studies of biometric technologies addressing information quality and privacy that have successfully been implemented in a justice agency.

Action item: According to Mr. Steve Siegel, Denver will be a case study in the development of a privacy policy for its DNA familial search functionality. Mr. Siegel will work with GPIQWG leadership and IIR to coordinate privacy technical assistance for this purpose.

GPIQWG Resource Development

Mr. Stevenson referred the membership to the draft news release (see Attachment B), written by Ms. Abernathy, to debut the publication of GPIQWG's new information quality series, shown below:

1. *Information Quality: The Foundation of Justice Decision Making*
2. *9 Elements of an Information Quality Program*
3. *Information Quality Self-Assessment*
4. *Information Quality Program Guide*

Per an action item from the December 15–16, 2009, GPIQWG meeting, the membership had decided to develop a core article for submitting to different trade publications and for customizing and sending out to Global constituents. Mr. Stevenson asked the members to review the article during the break and to provide their feedback to Ms. Abernathy prior to the end of the meeting. The revised article will be forwarded by Ms. Tammy Woodhams for GOWG review and publication.

Each task team's membership and action items were established for tomorrow's breakout sessions. These are listed below:

Biometrics Resources Task Team

Lead: Alan Carlson
Ayn Crawley
Greggory LaBerge
Mike Milstead
Leo Norton
Dave Russell
Steve Siegel
Phil Stevenson
Randall Wickline

Action Items: Refer to the action items designated in the previous agenda item "GPIQWG Biometrics" for the complete list of action items for this team.

Privacy Resources Task Team

Lead: Christina Abernathy
Paco Aumand
Kathleen deGrasse
Barbara Hurst
Eric Johnson
Erin Kenneally
Thomas MacLellan
Steve Siegel
Tim Skinner
Tammy Woodhams

Action Items:

- At this meeting and prior to the July 13–14, 2010, meeting, this team will determine how best to merge applicable components of the draft *State and Local Privacy Policy Development Template* into the *Global Privacy and Civil Liberties Policy Development Guide and Implementation Templates*.
- At the July 13–14, 2010, meeting, members of this team will then explore the definition of the term "privacy" as they review the revised content of the guide.

Juvenile Resources Task Team

Lead: Judge Capizzi
Beverly Allen
Deborah DeBerry
Alissa Huntoon
Mark Motivans
Terri Pate
Cindy Southworth
Martha Steketee
Carl Wicklund
John Wilson

Office of Juvenile Justice and Delinquency Prevention (OJJDP) Overview

Judge Capizzi gave an update on the coordination meeting held that day at 2:30 p.m. EST among Judge Capizzi, Mr. Patrick J. McCreary, Mr. Jim Burch, Mr. Jeff Slowikowski, Mr. Wicklund, Mr. Paul Embley, and Mr. Chris Traver regarding communication between OJJDP and Global. Historically, that interaction has not been as active because of a lack of communication and issues related to the technological aspects of the National Information Exchange Model (NIEM). However, based on the December 2009 meeting between Global and U.S. Attorney General Eric Holder and Global's resulting request to explore resources and programs that would affect juvenile youth violence, GPIQWG is actively pursuing better coordination and involvement by OJJDP. He stated that Mr. Slowikowski, originally slated to provide an overview to GPIQWG on OJJDP's key programs, had sent Ms. Gwen Dilworth, Juvenile Justice Program specialist, and Ms. Stephanie Rondenell, consultant for the Center for Network Development, to speak to the group briefly about their justice information system.

Judge Capizzi stated that, from the meeting today, it was obvious that Global and OJJDP are working on two separate tracks and that part of this effort is to coordinate Global with OJJDP. There will be discussions over the next few months on how OJJDP and BJA can work cooperatively with some level of commitment from OJJDP to provide a subject-matter expert (SME) and/or an OJJDP staffer to this group and other Global working groups.

Ms. Dilworth stated that OJJDP programs are based on three equally important core concepts—collaboration, privacy, and technology. Judge Capizzi noted that these are the same guiding concepts for Global.

Ms. Dilworth stated that OJJDP already has in place a separate information sharing project that has been around for about ten years. In establishing this project, there had been much debate over sharing juvenile justice information with the great concerns regarding profiling (for example, children who cannot speak for themselves). The juvenile justice field includes those who are involved in all aspects of juvenile justice, those domains that have relationships with kids, as well as kids who have other problems that may be related to juvenile justice that cannot be excluded. We made a commitment to the field that we would not abuse this information, that they would not abuse this information, and that we would focus on it with equal concentration so that technology would not overrule the other two concepts—privacy and collaboration. We are in the process of updating the *Guidelines for Juvenile Information Sharing*, which have had widespread use. We also have one local jurisdiction pilot site and one state pilot site that will help determine whether the guidelines are applicable to local and state agency experiences.

Ms. Rondenell stated that when they started developing the juvenile justice XML model for information sharing, it was based on the Global Justice XML Data Model (GJXDM). Since that time, we developed a model that contained 280 data exchanges for juvenile justice information sharing. With GJXDM, we found that while some elements would work, some did not, or that the elements would work but the definitions were not appropriate for juvenile justice. As NIEM became prominent, we then converted the model to NIEM. We vetted the model through the Colorado Department of Education, through the Jefferson County Colorado Juvenile Assessment Center, and through mental health and all justice components. Based on this vetting, we produced our model. At the state level, we are looking at state policies and procedures for cross-collaboration. We are currently working on version two of the model and developing policies. The Center for Network Development is developing a roadmap that provides instructions for juvenile justice agencies, telling them where to start and what to have in place to be able to make these exchanges. The team has been working with the Navajo Nation as well.

Ms. Rondenell said that they were trying to look at how to perform multistate exchanges. Judge Capizzi stated that this is one area in which Global could help regarding exchanges across state lines.

Judge Capizzi thanked both OJJDP representatives for attending in Mr. Slowikowski's stead and for providing the group with an overview of their justice information project.

The meeting was adjourned at 4:35 p.m., EST.

March 24, 2010—GPIQWG Meeting Summary

Introduction and Charge for the Day

The Global Privacy and Information Quality Working Group (GPIQWG) meeting was reconvened at 8:30 a.m., EST, on March 24, 2010, led by Judge Capizzi, GPIQWG Chair. The following individuals were in attendance.

Chair

The Honorable Anthony Capizzi

Montgomery County, Ohio, Juvenile Court National Council of Juvenile and Family Court Judges

Vice Chair

Mr. Phil Stevenson

Arizona Criminal Justice Commission

Ms. Beverly R. Allen (*IJIS Representative*)
Booz Allen Hamilton

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

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

Ms. Ayn H. Crawley
*Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security*

Ms. Debra DeBerry (*GAC Member*)
DeKalb County, Georgia, Courthouse

Lieutenant Kathleen deGrasse
Illinois State Police

Ms. Alissa Huntoon
*Bureau of Justice Assistance
Office of Justice Programs
U.S. Department of Justice*

Barbara Hurst, Esquire (*GAC Member*)
Rhode Island Office of the Public Defender

Mr. Eric C. Johnson
*SEARCH, The National Consortium for Justice
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Erin Kenneally, Esquire
eLCHEMY, Incorporated

Mr. Gregory S. LaBerge
*Crime Laboratory Bureau
Denver Police Department*

Mr. Thomas MacLellan
*Center for Best Practices
National Governors Association*

Sheriff Michael Milstead (*GAC Member*)
Minnehaha County Sheriff's Office

Lieutenant Leo Norton
*LASD Records and Identification Bureau
Los Angeles County Sheriff's Department*

Mr. Dave Russell
*Northern Virginia Regional Identification System
(NOVARIS)
Fairfax County Police Department*

Mr. Steve Siegel
Denver District Attorney's Office

Ms. Cindy Southworth
National Network to End Domestic Violence

Ms. Martha W. Steketee
Independent Consultant

Mr. Randall Wickline
*Criminal Justice Information Services Division
Federal Bureau of Investigation*

Mr. Carl Wicklund, GAC Vice Chair
American Probation and Parole Association

Ms. Tammy Woodhams
National Criminal Justice Association

Guest Observers

Mr. Timothy H. Skinner
*Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security*

Staff

Ms. Christina Abernathy
Institute for Intergovernmental Research

Ms. Terri Pate
Institute for Intergovernmental Research

Mr. John J. Wilson
Institute for Intergovernmental Research

Judge Capizzi welcomed the attendees back to the second day of the GPIQWG meeting and, along with Mr. Wicklund, provided a detailed synopsis of the coordination meeting held among Global and BJA leadership and OJJDP. He stated that Global will need to be more creative in determining areas for collaboration. One such area is through grant funding. Much of the meeting dealt with the issues OJJDP experienced in its migration of its justice information system, particularly the juvenile justice XML, and its concerns related to governance if it was inserted into NIEM. Currently, OJJDP is not in the NIEM domain. OJJDP's justice information system still needs to come into conformance with NIEM, since the other justice domains are using NIEM, and they need to be interoperable with each other. OJJDP is also working with Georgia Technical Institute (GTI) on its information exchanges.

Mr. Slowikowski agreed with the coordination meeting participants that there should be an OJJDP presence in Global and on the working groups, possibly an SME from the field. OJJDP's goals are the same as Global's. Global will continue to reach out to OJJDP to develop a solid relationship and to demonstrate that there are a lot of different Global initiatives that can help children and contribute to OJJDP's directives.

Breakout Sessions

Following a reminder of yesterday's task team action items, Judge Capizzi adjourned the group into its respective task teams to work on specific GPIQWG resources/projects. The task teams met from 9:00 a.m. until 11:00 a.m., EST, at which time the group reconvened to share the following status reports and task team goals.

Privacy Resources Task Team

The team worked on the revisions to the *Privacy and Civil Liberties Policy Development Guide and Implementation Templates* (Guide) to make the Guide up to date and the template provisions more comprehensive and in compliance with current requirements and recommendations. The following are action items for the team:

- The team decided that the title of the Guide did not clearly indicate that it was specifically for state and local agency use. In fact, it is not clear for whom the Guide is intended. The team members stated that they would like to change the title to make this distinction.
- The team will retool the table of contents to fit the revisions and new appendices.
- For Appendix D, Case Studies, the team will delete the current case study and instead insert the Hawaii and CONNECT privacy policies (to be completed by September), as well as the issue paper/lessons learned that will be drafted for NGA Center's Privacy Policy Academy.
- Ms. Abernathy will swap out the current templates for the applicable provisions that are state/local-focused in the *Fusion Center Privacy Policy Development Template*, as well as the applicable definitions from this template into the glossary appendix of the Guide. Information Sharing Environment (ISE) and Suspicious Activity Reporting (SAR) information will be retained for informational purposes, since information and SARs are collected at the local level, potentially shared with or passed through the state fusion center.
- Chapter 10, Information Quality, will be updated with the new IQ series products.
- *10 Steps to a Privacy and Civil Liberties Policy* and the *Policy Development Checklist* will be added to the appendices.
- At the next meeting, the team will review the revised Guide and look at it critically to evaluate the information, examples, definition of privacy, and what constitutes privacy risks based on the discussion yesterday.
- Following the revisions, the companion CD will be updated to reflect these changes.
- Once the above revisions are made, Ms. Abernathy will send the team a revised version for a two-week review and then schedule a task team conference call for discussion.

A recommendation was made to explore the development of an interactive tool (on CD and/or online) that will walk an agency through the drafting of a privacy policy. It could provide each question shown in the template along with its sample language, and then prompt the individual to type in his or her draft language and predict whether it includes key terms to meet the requirement. We might be able to obtain a measurable baseline on the need for this type of tool by asking agencies, such as sheriffs' departments, whether they would like to use such a product, whether they would find it helpful, etc. Then in three years, we could measure the use of this tool, especially if it is online through the use of online statistical information. This suggestion will be sent to GOWG.

Biometrics Resources Task Team

Biometrics primer

The team reviewed the primer and discussed the audience. Action items are:

- The team had issues with the privacy risk framework and resolved to change the heading from "risks of privacy" to "the need to protect privacy."
- The scenarios on the last page will be revised to ensure that they relate to the points made on pages two and three regarding privacy and information quality issues.
- Ms. Abernathy will send a draft of the primer to Mr. Carlson, who will update it based on these changes and send it to the task team for review.

Biometric Web resources

The team looked at the resources provided on the Biometric Privacy Web Resources List and revised them to recategorize items and to add information quality resources.

- Lieutenant Leo Norton will send the notes to Ms. Abernathy, and then it will be sent out as homework to the team for review.

What is next?

The team discussed possibly developing a resource that addresses the policy and business practices and rules in the use of certain biometric technology—something that provides managers with a "heads up" on possible issues regarding business practices, rules, and policies associated with that particular biometric technology.

Juvenile Youth Violence Task Team

The team agreed that there are some juvenile justice issues that do not fall within the purview of GPIQWG but that may fall under other working groups' domains. This will be discussed at the GESC meeting, along with the need for OJJDP representation.

It was decided that GPIQWG could not delve further into these issues until better direction is received from GESC and an OJJDP representative is appointed to GPIQWG.

Recommendation: The Interstate Compact for Juveniles (Compact) is looking at an information sharing system that will ultimately raise information quality and privacy concerns. GPIQWG should invite a representative from the Compact to attend GPIQWG meetings to see whether there are areas in which GPIQWG can assist.

The task team was dispersed, and members were reassigned to the other two GPIQWG task teams, pending further OJJDP direction from GESC.

Action item:

- Mr. Wicklund will assist in getting a representative from the Compact to attend GPIQWG.

Next Steps and Closing Remarks

Mr. Stevenson reviewed the action items for each task team and reminded the attendees of the next GPIQWG meeting, to be held on July 13–14, 2010 (a full day on July 13 and a half-day morning meeting on July 14) in the Washington, DC, area. He thanked everyone for their attendance, hard work, and commitment to GPIQWG's mission and adjourned the meeting at 11:30 a.m., EST.

Attachment A

**Global Privacy and Information Quality Working Group
March 23–24, 2010, Meeting Agenda**

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



Willard Continental Hotel
1401 Pennsylvania Avenue
Washington, DC 20004
(202) 628-9100

Pierce Room

March 23–24, 2010



Agenda—Tuesday, March 23, 2010

8:30 a.m. – 9:00 a.m.

Welcoming Remarks and Introductions

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

Topics

- ◆ December 15–16, 2009, GPIQWG draft meeting summary
- ◆ Agenda overview
- ◆ GPIQWG Tribal Membership
- ◆ OJJDP Membership and Juvenile Justice SME participation
- ◆ Next GPIQWG meeting: July 13-14, 2010

9:00 a.m. – 9:45 a.m.

Global Updates

Judge Capizzi

Topics

- ◆ Upcoming GAC dates:
 - GESC, April 7, 2010, and GAC, April 8, 2010, Embassy Suites, Washington, DC
 - January 2010 GESC Planning Meeting
- ◆ Global Intelligence Working Group and Criminal Intelligence Coordinating Council update
- ◆ Outreach Working Group update
 - National Fusion Center Conference—February 23–25, 2010
 - Center for Legal Court Technology Conference—William and Mary School of Law, March 4–5, 2010
 - National Conference of Juvenile and Family Court Judges (NCJFCJ) Conference on Juvenile and Family Law—March 15–17, 2010
 - Global Standard Package
 - Efforts to date
 - Next steps (plans and assignments)
 - *Justice Information Sharing: A 2010–2012 Strategic Action Plan*

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



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March 23–24, 2010



Agenda—Tuesday, March 23, 2010 (continued)

9:45 a.m. – 10:00 a.m.

Status of Other Privacy Efforts

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

Mr. John Wilson, Institute for Intergovernmental Research

Topics

- ◆ Status of the National Governors Association (NGA) Center for Best Practices—Privacy Policy Academy: Hawaii and CONNECT
- ◆ Status of the Fusion Center Privacy Policy program
- ◆ Final GPIQWG approval of *Fusion Center Privacy Policy Development: Privacy, Civil Rights, and Civil Liberties Policy Template*

10:00 a.m. – 10:15 a.m.

DHS Office of Civil Rights and Civil Liberties

Ms. Ayn Crawley, Director, Civil Liberties Institute, Office of Civil Rights and Civil Liberties, U.S. Department of Homeland Security

Topics

- ◆ Customized training “road show”—pilot completed in 2009
- ◆ Training of trainers program
- ◆ Updates to Privacy and Civil Liberties Web Portal
- ◆ Fact Sheet: *Enhancing the Privacy, Civil Rights, and Civil Liberties Framework for State and Major Urban Area Fusion Centers*

10:15 a.m. – 10:30 a.m.

Break

10:30 a.m. – 11:00 a.m.

Privacy Implications of Transportation Security Administration’s (TSA) use of Millimeter Wave Whole Body Imaging (WBI)

Mr. Phil Stevenson, Director, Statistical Analysis Center, Arizona Criminal Justice Commission

Topics

- ◆ January 27, 2010, conference call with TSA Privacy Officer Peter Pietra
- ◆ TSA Privacy Impact Assessment
- ◆ Advocate community input
- ◆ Privacy protections in place for WBI
- ◆ Local impact of WBI and GPIQWG relevance

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March 23–24, 2010



Agenda—Tuesday, March 23, 2010 (continued)

- 11:00 a.m. – 12:00 Noon **GPIQWG Exploration of the Term “Privacy”**
Judge Capizzi and Barbara Hurst, Esquire, Rhode Island Office of the Public Defender
- Topics**
- ◆ Purpose of this exploration
 - ◆ Definition of privacy
 - ◆ What raises a privacy concern?
 - ◆ Privacy interests versus privacy rights
 - ◆ Private disclosure versus government disclosure of information
 - ◆ What is meant by “public domain”
- 12:00 Noon – 1:30 p.m. *Lunch (on your own)*
- 1:30 p.m. – 2:30 p.m. **GPIQWG Biometrics**
Mr. Phil Stevenson
- Topics**
- ◆ Review and finalization of draft biometric primer
 - ◆ Review and finalization of Biometric Privacy Resources Web page
 - ◆ Case studies of privacy and/or information quality biometric implementations
 - ◆ Other recommendations for GPIQWG biometric products
- 2:30 p.m. – 3:00 p.m. **GPIQWG Resource Development**
Mr. Phil Stevenson
- Topics**
- ◆ IQ series outreach:
 - Draft article: *New Global Information Quality Series Improves the Quality of Justice Information*
 - ◆ Goals and identified tasks for next day’s task team breakouts:
 - Biometric Resources Task Team
 - Juvenile Youth Violence Resource Framework Task Team
 - Privacy Products Task Team
- 3:00 p.m. – 3:15 p.m. *Break*

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



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March 23–24, 2010



Agenda—Tuesday, March 23, 2010 (continued)

- 3:15 p.m. – 4:30 p.m. **Office of Juvenile Justice and Delinquency Prevention (OJJDP)
Overview**
*Mr. Jeff Slowikowski, Acting Administrator, Office of Juvenile Justice and Delinquency
Prevention(OJJDP) and Judge Capizzi*
Topics
 - ◆ Overview of key OJJDP programs and resources
 - ◆ Group discussion for OJJDP and GPIQWG partnership
- 4:30 p.m. – 4:45 p.m. **Next Steps and Closing Remarks**
Judge Capizzi
Topics
 - ◆ Plan for the following day's GPIQWG meeting
- 4:45 p.m. *Adjournment*

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



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March 23–24, 2010



United States
Department of Justice

Agenda—Wednesday, March 24, 2010

8:30 a.m. – 8:45 a.m.

Introduction and Charge for the Day

Judge Capizzi

Topics

- ◆ Review of today's goals
- ◆ Charge to the group

8:45 a.m. – 10:00 a.m.

Breakout Sessions

Judge Capizzi

Breakout Groups

- ◆ Biometric Resources Task Team
- ◆ Juvenile Youth Violence Resource Framework Task Team
- ◆ Privacy Products Task Team

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 11:00 a.m.

Breakout Sessions *(continued)*

11:00 a.m. – 11:15 a.m.

Task Team Status Reports

Judge Capizzi

Topics

- ◆ Biometric Resources Task Team
- ◆ Juvenile Youth Violence Resource Framework Task Team
- ◆ Privacy Products Task Team

11:15 a.m. – 11:30 a.m.

Next Steps and Closing Remarks

Judge Capizzi

Topics

- ◆ Next steps
- ◆ Review of action items and assignment of tasks
- ◆ Next meeting reminder: July 13-14, 2010

11:30 a.m.

Adjournment



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Attachment B

Draft News Article for GPIQWG Information Quality Series

***New Global Information Quality Series
Improves the Quality of Justice Information***

DRAFT News Release

New Global Information Quality Series Improves the Quality of Justice Information

To assist justice agencies and their reliance on quality information, the U.S. Department of Justice's (DOJ's) Global Justice Information Sharing Initiative (Global), through Global's Privacy and Information Quality Working Group (GPIQWG), has published an information quality (IQ) series that provides practical guidance on how to develop and implement an agencywide information quality (IQ) program. Using a progressive "step" approach, this series provides agencies with resources from beginning to end: from raising awareness of IQ, to the evaluation of the agency's information, ending with the implementation of an agencywide program.

Recent events, such as terrorist threats and catastrophic natural disasters, have revealed an increased need for cross-collaboration among local, state, tribal, and federal justice entities when personally identifiable information (PII) is shared to form the information and records that underlie justice decision making. Yet as these needs are addressed, it is also imperative that justice entities address the quality of this information. Failure to do this can result in harm to individuals, lawsuits and liability, public criticism, inefficient use of resources, spread of inaccurate information, or inconsistent actions within agencies. Furthermore, the collection and sharing of poor quality information raises serious privacy concerns, because the two concepts are inherently linked. Quality information plays an extremely important role in the protection of the privacy rights of individuals. Both concepts influence the appropriate treatment of PII.

The Fair Information Principles (FIPs), which establish a baseline for information sharing best practices, contain what is called the "Data Quality Principle," which prescribes that "personal data should be relevant to the purposes for which it is to be used and, to the extent necessary for those purposes, should be accurate, complete, and up to date." This is, of course, the ultimate goal of any justice entity that collects and enters PII into an information system—quality information that is accurate, timely, and complete, as well as secure. However, the reality is that justice agencies come in all sizes, with varying degrees of available resources. Many agencies are short-staffed yet have to process information in a limited time frame, using disparate systems, and under tight budget constraints.

Global's IQ series contains a suite of products designed to meet a spectrum of IQ program needs for any size justice entity. Based on the hierarchy of steps shown, the IQ series resources are as follows:

1. Step One: Educate and Raise Awareness
 - *Information Quality: The Foundation for Justice Decision Making*
 - *9 Elements of an Information Quality Program*
2. Step Two: Perform an Assessment
 - *Information Quality Self-Assessment Tool*
3. Step Three: Develop Policy and an Agencywide Program
 - *Information Quality Program Guide*

Products in Step One were designed to educate administrators on the importance of allocating resources for IQ and to provide awareness information for agency personnel. The first primer, *Information Quality: The Foundation for Justice Decision Making*, is a fact sheet that illustrates the importance of justice agencies' collection, retention, and sharing of only quality information. It illustrates IQ as a multidimensional concept that goes beyond traditionally understood attributes of accuracy and completeness and demonstrates the critical relationships among multiple IQ attributes, such as accessibility and security. Hypothetical scenarios are presented that depict situations of good and poor information quality, as well as next steps for what agencies can do to improve the quality of their

information. The second primer, *9 Elements of an Information Quality Program*, outlines the nine key elements needed for developing and implementing an agencywide IQ program.

For the second step in the IQ series, GPIQWG has developed and field-tested the *Information Quality Self-Assessment Tool*. Structured as a self-administered worksheet, the self-assessment tool provides practical, hands-on assistance to information systems personnel as a mechanism for the assessment, measurement, and improvement of information quality. The tool assists agencies in identifying any gaps in roles and responsibilities, policies and procedures, and information technology that beget information quality problems; determines the agency's relative level of information quality; and establishes benchmarks for evaluation, improvement, and accountability. Questions are generic and can be applied to a broad range of justice events and associated information components.

This assessment tool was well-received by the agencies that field-tested it. "The Illinois State Police welcomed the opportunity to field test the *Information Quality Self-Assessment Tool*," said Lieutenant Kathleen deGrasse, Privacy Officer, Illinois State Police. "We found the tool to be comprehensive, and it provided a rigorous audit of our justice information."

For the third and final step in the IQ series, GPIQWG developed the *Information Quality Program Guide*, which provides useful information on how to establish an agencywide IQ program. The guide leads practitioners through an incremental approach to implementing an IQ program by identifying and analyzing the agency's justice events and products, describing how to apply standard and customized IQ dimensions to the agency information, helping with the completion of an IQ assessment (mentioned earlier), and providing guidance on implementation and follow-up. The guide is a "one-stop shop" in that it contains all of the resources listed in Steps One through Three, with the awareness primers and assessment tool in its appendices. Also, all of these resources can be found online at www.it.ojp.gov/GPIQWG.

Ultimately, justice agencies should use the IQ series to ensure that information in criminal justice systems is accurate, timely, complete, and secure. Such a program will, in turn, reduce the risks to public safety, reduce legal liability of justice entities, and uphold a justice entity's reputation. Good quality information inspires trust in the justice system and in the law enforcement entities that rely on this information.