

Summary of Major Changes Incorporated in the Fusion Center Privacy, Civil Rights, and Civil Liberties (P/CRCL) Policy Template, Version 3.0¹

The updated version of the Fusion Center P/CRCL Policy Template:

- Revises the title and scope of the content to explicitly include CRCL, in addition to privacy
- Clarifies that CRCL protections in the policy extend beyond “citizens” and apply more broadly to “individuals in the United States”
- Explains how a privacy impact assessment informs a privacy policy
- Revises Section II.B.1 (“Policy Applicability and Legal Compliance”) to align the description of personnel who are subject to the P/CRCL Policy under Section II.B.1, with the list of personnel who are required to participate in training programs regarding the implementation of and adherence to the P/CRCL policy under Section II.O.1
- Revises the options available to fusion centers during the P/CRCL review and update process under Section II.C.2 (“Governance”)
- Updates Section II.E.2 (“Information”) governing the information that may not be sought, retained, shared, or disclosed by the center, in order to align the provision with the [DOJ’s Guidance for Federal Law Enforcement Agencies regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity](#) (December 2014) and the [ISE-SAR Functional Standard, Version 1.5.5](#) (February 2015)
- Includes a **new** best practice in Section II.E.7 (“Information”), stating that fusion centers should “state the retention period for non-validated tips and leads”
- Replaces the phrase “legally gathered” in Section II.F.2 with the phrase “gathered in an authorized and lawful manner,” in order to clarify the meaning of the provision
- Includes a new question and policy language under Section II.G.2 to align with Part B of the ISE-SAR Functional Standard v. 1.5.5, addressing the need for additional fact development during the vetting process under certain circumstances
- Modifies Section II.I (“Merging Records”) by:
 - Adding a **new** provision under Section II.I.1 to clarify who is authorized (position/title, credentials, clearance level[s], etc.) to merge records
 - Renumbering (and revising) Section II.I.1, Example 1 from the 2010 draft to be Section II.I.2, Example 1 in the current updated draft
- Revises Section II.J.8 (“Sharing and Disclosure”)
- Revises the language in Section II.J.9 (“Sharing and Disclosure”) governing the categories of records that will ordinarily not be provided to the public
- Revises the language in Section II.L (“Security Safeguards”) by:
 - Offering **new** policy language in Section II.L.2 to accompany a best practice (that was previously included in the 2010 template)
 - Revising data breach notification language in Section II.L.9, as follows:
 - Imposes a **new** responsibility on personnel for reporting suspected or confirmed breaches
 - Updates the template to reflect the current OMB data breach notification guidance (OMB M-17-12) and states that centers may choose to use this guidance to supplement existing law or policy, to determine which provisions are applicable, and to adapt those provisions to the specific needs of the center. (See Option 2)
 - Adds a **new** option (Option 3.a) under which centers use and insert excerpted language from **existing** policy and procedures on data breach notification
 - Revises template language under Option 3.b for those centers that do not have an existing data breach notification policy and for those that used or customized the template language from the 2010 *Fusion Center Privacy Policy Development Template*

¹ Source: Addendum A to the *Fusion Center Privacy, Civil Rights, and Civil Liberties Policy Development Template*, Version 3.0, available at _____.

- Modifies Section II.M.1 (“Information Retention and Destruction”)
 - To differentiate between the retention of criminal intelligence information and other information or intelligence
 - To incorporate language on the applicability of 28 CFR Part 23
 - To include a **new** best practice
- Includes a **new** best practice in Section II.N.1 (“Information System Transparency”):
- Clarifies Section II.N.2.3 (“Accountability and Enforcement/Accountability”)
- Revises Section II.O.1 (“Training”)
 - To align the list of personnel who are required to participate in training programs regarding the implementation of and adherence to the P/CRCL policy under Section II.O.1, with the description of personnel who are subject to the P/CRCL Policy under Section II.B.1:
 - To add ISE Core Awareness Training to the P/CRCL policy training program and to include a new best practice
- Modifies Appendix A (“Terms and Definitions”):
 - **To revise the following definitions:** Access, Agency, Biometrics, Civil Liberties, Civil Rights, Confidentiality, Credentials, Data Breach, Disclosure, Electronically Maintained, Fair Information Practice Principles, Need to Know, Originating Agency, Personally Identifiable Information, Protected Information, Public, Record, Right to Know, Source Agency, Suspicious Activity, Suspicious Activity Reporting, Terrorism Information, Tips and Leads
 - **To add the following definitions:** Analysis, Collect, Criminal Activity, Evaluation, Fusion Center, Information Sharing Environment, Joint Terrorism Task Force, NSI SAR Data Repository, Owning Agency, Pre-operational Planning, Purge, Reasonably Indicative, Submitting Agency,
 - **To delete the following definition:** Personal Information
 - **To rename the following definitions:**
 - Information Quality to Data Quality
 - Persons to U.S. Person (*with revisions*)
 - Privacy Policy to P/CRCL Policy (*with revisions*)
 - Right to Privacy to Right to Information Privacy (*with revisions*)
- Revises Appendix B
 - To add new federal laws, regulations, and guidance, where appropriate
 - To summarize primary federal laws, regulations, and guidance
 - To indicate that fusion centers should similarly insert a synopsis of applicable SLTT laws, regulations and guidance in Appendix B
- Removes the former Appendix C (“Suspicious Activity Reporting (SAR) Summary of Provisions”)
- Includes the Fair Information Practice Principles as the new Appendix C
- Creates a new Appendix D (“Sample Fusion Center Privacy, Civil Rights, and Civil Liberties Policy”)
- Creates a new Appendix E (“Technology-related P/CRCL Policies of the [Name of Center]”)
- Creates new Appendix F (“Resources”)
- Creates a new Addendum, including:
 - Addendum A (“Summary of Major Changes Incorporated in the Fusion Center Privacy, Civil Rights, and Civil Liberties Policy Template”)
- Addendum B (“Acronyms”)