

STATEMENT ON THE INTELLIGENCE COMMUNITY'S POLICY FRAMEWORK FOR COMMERCIALLY AVAILABLE INFORMATION

As part of our continuing efforts to share with the public as much information as possible about the principles and processes that govern our work, so as to allow the American people to make informed judgments and to hold us accountable, we are today proactively disclosing the framework that the Intelligence Community (IC) has adopted to govern the IC's access to, collection, and processing of commercially available information or "CAI."

We produced this framework in recognition of the fact that a series of developments have made CAI increasingly important to our work, while at the same time raising novel issues related to privacy and civil liberties. Today, not only is an astounding amount of CAI already available to the public, but various actors, including adversaries, also have access to increasingly advanced analytic tools that rely on, among other things, artificial intelligence, to exploit such information in new ways that exacerbate existing threats. Furthermore, these trends are only expected to accelerate as more of our daily lives are connected to the digital world. Put simply, the combination of an increasing amount of readily available data regarding the activities of individuals—often perceived as not especially sensitive on its own—and increasingly sophisticated analytic tools can in the aggregate raise significant privacy and civil liberty concerns.

As a consequence, the Director of National Intelligence asked a Senior Advisory Group Panel to make recommendations to the IC regarding how and under what circumstances the IC should use commercially available information, and in particular to reflect on the existing framework for ensuring the protection of privacy and civil liberties. This Panel produced a report, accessible [here](#), which affirmed that "there is a large and growing amount of CAI that is available to the general public, including foreign governments (and their intelligence services) and private-sector entities, as well as the IC," and that "CAI clearly provides intelligence value" and "also raises significant issues related to privacy and civil liberties." The Panel thus recommended that the IC (1) develop a process to catalog the CAI that IC elements acquire; (2) develop a set of standards and procedures for CAI, governing and requiring regular re-evaluation of acquisition and use decisions; and (3) develop more precise guidance to identify and protect sensitive CAI that implicates privacy and civil liberties concerns.

We have done just that. Upon receiving the Panel's report, every IC element head reviewed and accepted the Panel's recommendations. We then moved forward to implement the recommendations and are now announcing that we have done so. Specifically, to provide a foundation for enhancing privacy and civil liberties protections, we have issued IC-wide guidance for cataloguing CAI acquired by IC elements, to ensure that information about CAI holdings is accessible within the U.S. Government, as appropriate, in a manner that is consistent with relevant legal, security, classification, access control, and privacy considerations. We also developed a framework that augments each IC element's Attorney General Guidelines and related policies with additional guidance on how IC elements shall access, collect, and process CAI. This guidance not only lays out general principles governing the IC's access to, collection, and processing of CAI, but also, as the Panel recommends, sets out standards and procedures that

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govern, and require a periodic re-evaluation of, acquisition, and use decisions. The framework also, consistent with the Panel's recommendations, provides more precise guidance for identifying categories of CAI that pose a greater risk of implicating privacy and civil liberty concerns—referred to in the framework as “Sensitive CAI”—and sets forth more specific requirements for dealing with such information. All IC elements are working to implement this guidance and we are committed to continuously working to refine, clarify, and strengthen the standards and processes that govern our access to, collection, and processing of CAI.

CAI is invaluable to our work. To recognize this fact, one only has to consider the important role that commercial imagery played in our effort to build a common understanding among allies and partners as we provided warning regarding Russia's plans to invade Ukraine. CAI is also, of course, a critical source for Open Source Intelligence and it creates vulnerabilities that we have to understand, since our adversaries often have access to the very same information for their own purposes. At the same time, we acknowledge that CAI raises new concerns, and we are committed to engaging in our work in a way that is protective of Americans' privacy and civil liberties. Indeed, operating in a manner that upholds our country's values is not only the right thing to do but it also helps keep us safe, for our values are fundamental to our capacity to form strong alliances, make us resilient in the face of hateful ideologies that inspire terrorism, and define who we are—simply put, fidelity to our values is necessary to our security.

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