Recommendations for the
Office of Director of National Intelligence
Open Government Plan
4/13/2016

Guidance on Parallel Construction
The ODNI should publicly release its guidance concerning the information it gives to prosecutors when it provides them information relevant to an investigation. This would address concerns regarding how information from intelligence collection is distributed throughout the government and whether governmental recipients of that information are aware of its true origins. In particular, it would provide better public understanding of the extent to which a prosecutor knows the origins of information relevant to an investigation or prosecution, and consequently where the prosecutor has sufficient information to provide a defendant notice in a criminal case when such information is used.

Clearance Statistics
The ODNI should publish aggregate numbers of employees and contractors at the various clearance levels throughout the executive and legislative branches, in particular the number who have active Secret, Top Secret, and TS/SCI clearances and (when possible) the historical values of the same. The ODNI already published these numbers for the executive branch in 2010 alongside the average length of time required to receive a clearance. This information will help the public and watchdogs understand more about how the clearance process works. It also will provide insight into congressional oversight capacities vis-à-vis the executive branch.

FISA Amendments Act Data (Section 702)
The ODNI should release information on 1) how many communications involving U.S. residents are subject to surveillance; 2) the number of times the FBI uses U.S. person identifiers to query Section 702 data; and 3) how agencies interpret FISA’s statutory notice requirement. This information will support Congress and the public in their efforts to better understand intelligence collection. These requests are the subject of a letter signed by many public interest organizations.

Improved engagement with privacy advocates prior to regulatory changes
The ODNI should ensure the public has access to unredacted, draft implementation rules that pertain to national security matters, prior to their formal adoption, as part of a public comment process. This request comes in the wake of a New York Times report that the ODNI is near completion of a multi-year drafting process to promulgate an implementation rules for Executive Order 12333 concerning how the National Security Agency may share information with other agencies, which was undertaken in secret and without public notice or consultation.

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