

Delaware Valley Intelligence Center

Privacy Policy

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Purpose Statement

The purpose of this policy is to establish privacy, civil rights and civil liberties protection guidelines for the Delaware Valley Intelligence Center (DVIC). The DVIC is an information sharing and analysis facility with an all threats and all hazards approach through the collation, analysis, and dissemination of intelligence and investigative information within the twelve-county, four-state area including Southeastern Pennsylvania, Southern New Jersey, Northern Delaware and Northern Maryland. The Center is not intended to supplant the activities of the numerous investigative and operational bodies currently functioning in these states, but will enable them to be more effective and focused in their tasks while ensuring the rights and privacy of its citizens.

Policy Applicability and Legal Compliance

1. All DVIC personnel and law enforcement, public and private sector, contractors and other authorized users with direct access to DVIC information, including Information Sharing Environment (ISE) participating centers and agencies, will comply with the DVIC privacy policy and with the U.S. and Pennsylvania constitutions, Pennsylvania Consolidated Statutes (Pa C.S.) Title 18, Crimes and Offenses, Chapter 91 and subsections, thereof, as well as applicable federal laws (refer to Appendix B) protecting privacy, civil rights and civil liberties in the collection, use, analysis, retention, destruction, sharing and disclosure of information. Federal regulation 28 CFR Part 23 shall be adhered to in the situations wherein it is applicable to criminal intelligence information.
2. DVIC has adopted internal operating policies that are in compliance with applicable laws (refer to Appendix B) protecting privacy, civil rights, and civil liberties in the collection, use, analysis, retention, destruction, sharing and disclosure of information in the system. All information provided by DVIC from outside sources must be verified from those sources if the information is to be used in an investigative capacity.
3. All DVIC personnel, participating agency personnel, personnel providing information technology services to DVIC, private contractors, governmental agencies including ISE participating agencies and centers, and users will comply with the applicable laws protecting privacy, civil rights, and civil liberties in the collection, use, analysis, retention, destruction, sharing, and disclosure of information, including, but not limited to those listed in Appendix B. Pennsylvania agencies receiving protected information as defined in 18 Pa C.S. §9106 (b) must submit appropriate policies and procedures reviewed or adopted by the Office of the Attorney General in consultation with the Pennsylvania State Police for dissemination of protected information.

Transparency and Accountability

1. The DVIC is owned and operated by the Philadelphia Police Department (PPD). The Police Commissioner of the PPD will appoint the Executive Director of the DVIC.
2. The Fusion Center Director has the primary responsibility for the day to day operation of the DVIC, its justice systems, operations, and coordination of personnel; the receiving, seeking, retention, and evaluation of information; information quality, analysis, destruction, sharing, or disclosure; and the enforcement of this policy.
3. The Delaware Valley Intelligence Center Advisory Board (DVICAB) consists of multiagency representatives who meet quarterly to review the DVIC strategic goals and objectives and provide recommendations and guidance in support of the overall mission of the DVIC. The Police Commissioner of the PPD shall serve as Chair of the DVICAB and will appoint Advisory Board members as necessary to fulfill the DVIC's operations.
4. DVIC personnel will follow 18 Pa C.S. §9106, and other laws as enacted by the Pennsylvania Legislature and signed by the Governor pertaining to the collection, collation, use, analysis, retention, destruction, sharing, and disclosure of intelligence information, archived information, and investigative information. DVIC has established guidelines for accountability and compliance with all applicable laws and policies.
5. DVIC's Privacy Policy Committee is guided by a trained Privacy Officer (fulltime position), appointed by Director of the center. The Privacy Officer receives reports regarding alleged errors and violations of the provisions of this policy, receives and coordinates complaint resolution under the center's redress policy, and serves as the liaison for the ISE, ensuring that privacy protections are implemented through efforts such as training, business process changes, and system designs that incorporate privacy- enhancing technologies. The Privacy Officer can be contacted at:

Delaware Valley Intelligence Center

2800 S. 20th Street, Bldg 6

Philadelphia, PA 19145

(215)897-0800

Email: DVIC@Phila.Gov

6. The DVIC's Privacy Officer ensures that enforcement procedures and sanctions outlined in the Accountability and Enforcement section of this policy are adequate and enforced.

Information

1. The DVIC's Watch Center serves as the focal point for the receipt and dissemination of criminal and terrorism information. DVIC's information is received from, and disseminated to, local, state, federal, and tribal law enforcement; other Fusion Centers; the public; and to private entities, as appropriate.

2. The DVIC will seek or retain information that:

- Is based on a criminal predicate or threat to public safety; or
- Is based on reasonable suspicion that an identifiable individual or organization has committed a criminal offense or is involved in, and/or planning, criminal (including terrorist) conduct or activity that presents a threat to any individual, community, or the nation, and that the information is relevant to the criminal (including terrorist) conduct or activity; or
- Is relevant to the investigation and prosecution of suspected criminal (including terrorist) incidents; the resulting justice system response; the enforcement of sanctions, orders, and sentences; or the prevention of crime; or
- Is useful in crime analysis, or in the administration of criminal justice and public safety (including topical searches); and
- The source of the information is reliable and verifiable, and/or limitations on the quality of the information are identified; and
- The information was collected in a fair and lawful manner not otherwise prohibited by law, with the consent of the affected individual to share the information being clearly noted when such consent has been provided.

3. All DVIC information will be sought, retained, shared, or disclosed under the appropriate policy provisions applicable to the classification of the information.

4. The DVIC will not seek or retain information about individuals or organizations solely on the basis of their religious, political, or social views or activities; their participation in a particular noncriminal organization or lawful event; or their race, ethnicity, citizenship, place of origin, age, disability, gender, or sexual orientation. Information related to these factors may be retained if there is a reasonable relationship or relevance to such information and the effort to detect, anticipate, or prevent criminal activity and this information is not the sole basis for retention or indexing. When there is reasonable suspicion that a criminal relationship exists, the information concerning the criminal conduct or activity may be retained or indexed; it is the responsibility of the source agency or DVIC personnel to ascertain and clearly affirm the relationship to the key element of criminal activity prior to the retention or indexing of the information.

5. The DVIC may retain information that is based on a level of suspicion that is less than “reasonable suspicion”, such as tips, leads, and Suspicious Activity Reports (SAR) information, subject to the policies and procedures specified in this policy.

6. The DVIC applies labels to center originated information (or ensures that originating agency has applied labels) to indicate to the accessing authorized user that:

- The information is “protected information” to include “personal data” on any individual (see Appendix A, Definitions) and, to the extent expressly provided in this policy, includes organizational entities.
- The information is subject to the laws in Appendix B restricting access, use, or disclosure.

7. The DVIC requires certain basic descriptive information to be entered and electronically associated with data (or content) or SARs that are to be accessed, used and disclosed including:

- The name of the originating department or source agency and the name of the DVIC justice information system (or database) from which the information is disseminated.
- The date the information was collected and to the extent possible, the date its accuracy was last verified.
- The title and contact information for the person to who questions regarding the information should be directed and who is accountable for the decision to submit the information and assuring it is believed to otherwise conform the DVIC submission standards.
- Any particular limitations to the use or disclosure of the information.

8. Upon the receipt of information, DVIC personnel will evaluate the information to determine its nature, usability, and quality. Personnel will assess information to ensure proper segregation, such as:

- Whether the information is based upon a standard of reasonable suspicion of criminal activity;
- Whether the information consists of tips and leads, data, or suspicious activity reports;
- The nature of the source of the information as it affects its veracity (for example, whether from an anonymous tip, trained interviewer or investigator, public record, private sector); and
- The validity of the content (for example, verified, partially verified, unverified, or unable to verify).
- What level of protection is to be afforded the information based upon the type of information received (e.g. information about U.S. citizens or lawful permanent residents) and to what extent it may be shared through the ISE.

9. At the time a decision is made to retain information, it will be categorized (including the application of labels and/or metadata tags) pursuant to applicable limitations on access and sensitivity of disclosure in order to:

- Protect confidential sources and law enforcement undercover techniques and methods;
- Prevent interference with or compromise pending criminal or terrorism investigations;
- Protect an individual’s right of privacy, civil rights, and civil liberties; and

- Provide legally required protection based on the individual's status, such as in the case of a juvenile.

10. The classification of existing information will be reevaluated whenever:

- New information is added that has an impact on access limitations or the sensitivity of disclosure of the information; or
- There is a change in the use of the information affecting access or disclosure limitations; for example, the information becomes part of court proceedings for which there are different public access laws.

11. DVIC personnel, partners and participating agencies will be required to adhere to specific practices and procedures for the receipt, collection, assessment, marking, storage, access, dissemination, retention, and security of tips and leads, and SAR information. Center personnel will:

- Prior to allowing access to or dissemination of the information, ensure that attempts to validate or refute the information have taken place and that the information has been assessed for sensitivity and confidence by subjecting it to an evaluation or screening process to determine its credibility and value and categorize the information as unsubstantiated or uncorroborated if attempts to validate or determine the reliability of the information have been unsuccessful. The center will use a standard reporting format and data collection codes for SAR information.
- Store the information using the same storage method used for data which rises to the level of reasonable suspicion and which includes an audit and inspection process, supporting documentation, and labeling of the data to delineate it from other information.
- Allow access to or disseminate the information using the same (or a more restrictive) access or dissemination standard that is used for data that rises to the level of reasonable suspicion (for example, "need-to-know" and "right-to-know" access or dissemination for personally identifiable information).
- Regularly provide access to or disseminate the information in response to an interagency inquiry for law enforcement, homeland security, or public safety and analytical purposes or provide an assessment of the information to any agency, entity, individual, or the public when credible information indicates potential imminent danger to life or property.
- Retain information for one year in order to work an unvalidated tip, lead, or SAR information to determine its credibility and value or assign a "disposition" label (for example, undetermined or unresolved, cleared or unfounded, verified, or under active investigation) so that a subsequently authorized user knows the status and purpose for the retention and will retain the information based on the retention period associated with the disposition label.
- Adhere to and follow the center's physical, administrative, and technical security measures to ensure the protection and security of tips, leads, and SAR information. Tips, leads, and SAR information will be secured in a system that is the same as or similar to the system that secures data that rises to the level of reasonable suspicion.

12. The DVIC will incorporate the gathering, processing, reporting, analyzing, and sharing of terrorism-related suspicious activities and incidents (SAR process) into existing processes and systems used to manage other crime-related information and criminal intelligence, thus leveraging existing policies and protocols utilized to protect the information as well as constitutional rights, including personal privacy and other civil liberties.

13. For purposes of sharing information in the ISE, the DVIC will identify and review all terrorism-related protected information that may be accessed from or disseminated by the center and provide the enhanced privacy protections for such information as are specified in this policy for sharing the information through the ISE.

14. The DVIC will track information access and dissemination to clearly indicate, through notice mechanisms (metadata or data label fields), the nature of the protected information and any legal restrictions on information sharing based on information sensitivity, nature of protected information, or classification.

15. The DVIC participating agency personnel will, upon receipt of information, to include SAR information, assess the information to determine its nature and purpose. Members of the DVIC will assign information to categories to indicate the result of the assessment such as:

- Whether the information is general data, tips and leads, SAR or criminal intelligence information
- The nature of the source (i.e. anonymous tip, interview, public or private sector) as it affects veracity; and,
- The reliability of the source:
 - Reliable – Source has been determined to be reliable.
 - Unreliable – the reliability of the source is doubtful or has been determined to be unreliable.
 - Unknown – the reliability cannot be judged or assessed.
 - The validity of the content is confirmed, doubtful or cannot be judged.

16. The DVIC will keep a record of the source of all information sought and collected by the center.

Acquiring and Receiving Information

1. Information gathering and investigative techniques used by the DVIC and participating agencies will comply with and adhere to regulations and guidelines including, but not limited to:

- The Federal and state laws and constitutional guarantees listed in Appendix B protecting privacy, civil rights and civil liberties or citizens, including the Bill of Rights amendments to the U.S. Constitution, the Declaration of Rights to the Pennsylvania Constitution and the Pennsylvania Human Relations Act and the Federal Civil Rights Act;
- 28 CFR Part 23 regarding criminal intelligence information;
- Applicable criminal intelligence guidelines established under the U.S. Department of Justice's (DOJ) *National Criminal Intelligence Sharing Plan* (NCISP).

2. Regardless of the criminal activity involved, no information which a user has reason to believe may have been obtained in violation of law shall be entered into DVIC systems or submitted to or received by the DVIC.

3. Agencies which participate and provide information to the DVIC are governed by state and local laws and rules governing them, as well as by applicable federal laws. The DVIC will contract only with commercial database entities that provide an assurance that they gather personally identifiable information in compliance with local, state, tribal, territorial and federal laws and use methods which are not based on misleading information collection practices.

4. The DVIC will not directly or indirectly receive, seek, accept or retain information from:

- An individual or non-governmental information provider who may or may not receive a fee or benefit for providing the information if the center knows or has reason to believe that the individual or information provider is legally prohibited from obtaining or disclosing the information; or
- The source used prohibited means to gather the information.

5. The DVIC's SAR process provides human review and vetting to ensure that information is both legally gathered and, when applicable, determined to have a terrorism nexus. Law enforcement officers and personnel at source agencies who acquire SAR information that may be shared with the DVIC will be trained to recognize behavior that is indicative of criminal activity related to terrorism. The responsibility for this training resides with the contributing agency.

6. The DVIC's SAR process includes safeguards to ensure, to the greatest degree possible, that only information regarding individuals involved in activities that have been determined to be consistent with criminal activities associated with terrorism will be documented and shared through the ISE. These safeguards are intended to ensure that information that could violate civil rights (race, religion, national origin, ethnicity, etc.) and civil liberties (speech, assembly, religious exercise, etc.) will not be intentionally or inadvertently gathered, documented, processed, and shared.

7. When a choice of information gathering and investigative techniques is available, information documented by an originating agency should be acquired or investigated using the least intrusive feasible means, taking into account such factors as the effect on individual's privacy and potential damage to reputation.

Information Quality

1. To the maximum extent practical, the DVIC will implement the "Fair Information Practices" as detailed by the Department of Justice's Global Initiative, recognizing that some of the practices (such as allowing individuals about whom information is retained to review information for accuracy) do not apply to an intelligence-gathering initiative. All contributors of information to the DVIC should be familiar with the Global Fair Information Practices and will apply those practices to the best extent practicable to the information gathered, retained and reported to the DVIC.

2. The DVIC will make every reasonable effort to ensure that information sought or retained, to include SAR information, is derived from dependable and trustworthy sources; accurate; current; and complete, including the relevant context in which it was sought or received; and merged with other information about the same individual or organization only when it meets the standard in the Merging of Information from Different Sources section in this policy.

3. At the time of retention in the system, the information will be assessed and labeled regarding its level of quality (complete, current, verifiable, and reliable). The DVIC investigates, in a timely manner, alleged errors and deficiencies, and in conjunction with the originating agency, corrects, deletes, or refrains from using protected information found to be erroneous or deficient. The labeling of retained information will be reevaluated by the DVIC when new information is received that has an impact on the confidence (validity and reliability) of the previously retained information.

4. The DVIC will make every reasonable effort to ensure that information will be corrected, deleted from the system, or not used upon learning or determining that such information is erroneous, misleading, obsolete, or otherwise unreliable; the source of the information did not have authority to gather the information or to provide the information to the agency; or the source used prohibited means to gather the information, except when the source did not act as an agent to a bona fide law enforcement officer.

5. Originating agencies external to the DVIC are responsible for the quality and accuracy of the data accessed by, or provided to the DVIC. The DVIC will advise, in writing, the appropriate contact person of the originating agency if its data is alleged, suspected, or found to be inaccurate, incomplete, out of date, or unverifiable.

6. The DVIC will use a written or documented electronic means of notification to inform recipient agencies when information previously provided to the recipient agency is deleted or changed by the DVIC; because the information is determined to be erroneous, includes incorrectly merged information, is out of date, cannot be verified, or lacks adequate context such that the rights of the individual may be affected.

Collation and Analysis

1. Information acquired or received by the DVIC, or accessed from other sources, will be analyzed only by qualified individuals who have successfully completed a background check and retain appropriate security clearance, if applicable, and who have been selected, approved, and trained accordingly. DVIC personnel will comply with laws regarding privacy, civil rights, and civil liberties.

2. Information subject to collation and analysis is information as defined and identified in the Information section of this policy.

Information acquired or received by the DVIC, or accessed from other sources, is analyzed according to priorities and needs only to:

- Further crime prevention (including terrorism), law enforcement, public safety, force deployment, or prosecution objectives and priorities established by the DVIC.
- Provide tactical and/or strategic intelligence on the existence, identification, and capability of individuals and organizations suspected of having engaged in, or engaging in criminal or terrorist activities.

3. DVIC requires that all analytical products be reviewed and approved by the Privacy Officer to ensure that they provide appropriate privacy, civil rights, and civil liberties protections prior to dissemination or sharing by the center.

Merging of Information from Different Sources

1. Records about an individual or organization from two or more sources will not be merged unless there is sufficient identifying information to reasonably conclude that the information is about the same individual or organization. The set of identifiers sufficient to allow merging will consist of all available attributes that can contribute to higher accuracy of a match, including: date of birth; law enforcement or corrections system identification number; individual identifiers such as fingerprints, photographs, physical description, height, weight, eye and hair color, race, ethnicity, tattoos, marks or scars; social security number; driver's license number; or other biometrics such as DNA, retinal scan, or facial recognition. Identifiers or characteristics that, when combined, could clearly establish that the information from multiple records is about the same organization may include the organization's name, federal or state tax ID number, office address, and telephone number.

2. If the matching requirements are not fully met, but there is an identified partial match, the information may be associated if accompanied by a clear statement that it has not been adequately established that the information relates to the same individual or organization.

Sharing and Disclosure

1. Credentialed, role-based access criteria will be used by the DVIC, as appropriate, to control:

- The information to which a particular group or class of users can have access based on the group or class.
- The information a class of users can add, change, delete, or print.
- To whom, individually, the information can be disclosed and under what circumstances.

2. Information retained by the DVIC will only be provided to persons within the criminal justice system who are authorized to receive the information and only for legitimate law enforcement, public prosecution, or justice purposes.

3. Intelligence information placed in an automated information system may only be disseminated if: (a) the information is reliable as determined by an authorized intelligence officer; (b) the agency requesting the information is a criminal justice agency which has policies and procedures consistent with 18 Pa C.S. §9106; and (c) the information requested is in connection with the duties of the criminal justice agency and the request is based on specific identifying information.

4. Information retained by the DVIC may be accessed by or disseminated to those responsible for public protection, public safety, or public health, only for public protection, public safety, or public health purposes and only in the performance of official duties in accordance with applicable laws and procedures. Nothing in this policy shall limit the dissemination, including unsolicited, of an assessment of criminal intelligence information to a government official or to any other individual, when necessary to avoid imminent danger or certain danger to life or property.

5. Information gathered or collected and records retained by DVIC may be accessed or disseminated for specific purposes upon request by persons authorized by law to have such access and only for those uses and purposes specified by law. An audit trail sufficient to allow the identification of each individual who requested, accessed, or received information retained by the center; the nature of the information requested, accessed, or received; and the specific purpose will be kept for a minimum of 2 years by the center.

6. Information gathered or collected and records retained by DVIC may be accessed or disclosed to a member of the public only if the information is defined by law to be a public record or otherwise appropriate for release to further the center's mission and is not exempt from disclosure by law. Such information may be disclosed only in accordance with the law and procedures applicable to the center for this type of information.

7. The existence, nonexistence, content, and source of the information will not be made available by the DVIC to any person or agency that would not be eligible to receive the information, unless otherwise required by law, when:

- Disclosure would interfere with, compromise, or delay an ongoing investigation or prosecution (Commonwealth of Pennsylvania Right to Know Law Act 3 of 2008);
- Disclosure would endanger the health or safety of an individual, organization, or community (Commonwealth of Pennsylvania Right to Know Law Act 3 of 2008);
- The information is in a criminal information system subject to 28 CFR Part 23 and 18 Pa C.S. §9106;
- The information source does not reside with the DVIC or DVIC did not originate and does not have a right to disclose the information (18 Pa C.S. §9106).

8. If the information did not originate in the DVIC, the source agency will be notified and a request for its determination that disclosure by DVIC or referral of the requestor by DVIC to the source agency is neither required nor appropriate under applicable law.

9. The individual who has requested disclosure will be given reasons if disclosure or requests for corrections of information that has been disclosed is denied by DVIC. The individual will also be informed of the procedure for appeal per the Commonwealth of Pennsylvania Right to Know Law, Act 3 of 2008 when DVIC has cited an exemption for the type of information requested or has declined to correct challenged information to the satisfaction of the individual to whom the information relates. A record will be kept of all requests for corrections and the resulting action, if any.

10. Information possessed by DVIC is considered nonpublic record and will only be disclosed to an individual as the result of the issuance of a proper Subpoena Duces Tecum or, if the subpoena is objected to, a subsequent court order. In such a case, upon satisfactory verification (fingerprints, driver's license, or other specified identifying documentation) of his or her identity and subject to the conditions specified in 7., above, an individual is entitled to know the existence of and to review the information about him or her that has been gathered and retained by DVIC. The individual may obtain a copy of the information for the purpose of challenging the accuracy or completeness of the information (correction). The center's response to the request for information will be made within a reasonable time and in a form that is readily intelligible to the individual. A record will be kept of all requests and of what information is disclosed to an individual.

11. There are several categories of records that will not be provided to the public:

- Records required to be kept confidential by laws that are exempted from disclosure requirements under Commonwealth of Pennsylvania Right to Know Law Act 3 of 2008;
- Information that meets the definition of "classified information" as that term is defined in the National Security Act, Public Law 235, Section 606 and in accord with Executive Order 13549, Classified National Security Information Program for State, Local, Tribal, and Private Sector Entities, August 18, 2010;
- Investigatory records of law enforcement agencies that are exempted from disclosure requirements under Commonwealth of Pennsylvania Right to Know Law Act 3 of 2008. However, certain law enforcement records must be made available for inspection and copying under Commonwealth of Pennsylvania Right to Know Law Act 3 of 2008;
- A record or part of a record the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack is exempted from disclosure requirements under Commonwealth of Pennsylvania Right to Know Law Act 3 of 2008. This includes a record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity or a record that is designated classified by an appropriate federal or state military authority;
- Protected federal, state, local, or tribal records, which may include records originated and controlled by another agency that cannot, under 18 Pa C.S. §9106, be shared without permission; and,
- A violation of an authorized nondisclosure agreement under 18 Pa C.S. §9106.

12. An audit trail sufficient to allow the identification of each individual who accessed information retained by DVIC and the nature of the information accessed will be kept by DVIC.

13. DVIC will adhere to the current version of the ISE–SAR Functional Standard for the reporting of terrorism-related suspicious activity in the ISE, including the use of a standard reporting format and commonly accepted data collection codes and a sharing process that complies with the ISE-SAR Functional Standard for suspicious activity potentially related to terrorism.

14. If an individual has a complaint with regard to the accuracy or completeness of terrorism-related protected information that: (a) is exempt from disclosure, (b) has been or may be shared through the ISE, (1) is held by DVIC and (2) allegedly has resulted in demonstrable harm to the complainant, DVIC will inform the individual of the procedure for submitting and resolving such complaints. Complaints can be sent by mail to the center’s Privacy Officer at the following address: Delaware Valley Intelligence Center, 2800 S. 20th Street, Bldg 11, 2nd Floor, Attention: DVIC Privacy Officer Philadelphia, PA 19145. Complaints can also be received by the Privacy Policy Officer via telephone at (215) 897-0800. The Privacy Policy Officer will refer the complaint to the Privacy Policy Committee, where it will be reviewed and if necessary, referred to legal counsel. The committee will not confirm the existence or nonexistence of the information to the complainant unless otherwise required by law. If the information did not originate with the center, the Privacy Officer will notify the originating agency in writing or electronically within 10 days and, upon request, assist such agency to correct any identified data/record deficiencies, purge the information, or verify that the record is accurate. All information held by DVIC that is the subject of a complaint will be reviewed within 30 days and confirmed or corrected/purged if determined to be inaccurate or incomplete, to include incorrectly merged information, or to be out of date. If there is no resolution within 30 days, DVIC will not share the information until such time as the complaint has been resolved. A record will be kept by DVIC of all complaints and the resulting action taken in response to the complaint.

15. To delineate protected information shared through the ISE from other data, the DVIC maintains records of agencies sharing terrorism-related information and employs system mechanisms to identify the originating agency when the information is shared.

Information Retention and Destruction

1. Information retained by DVIC will be reviewed for purging on an annual basis as established by 18 Pa C.S. §9106. When information has no further value or meets the criteria for removal under 18 Pa C.S. §9106 and 28 CFR Part 23, it will be purged, destroyed, deleted, or returned to the submitting source. A record of information to be reviewed for retention will be maintained by DVIC, and for appropriate systems, notice will be given to the submitting agency at least 30 days prior to the required review and validation/purge date. No approval will be required from the originating agency before information held by DVIC is destroyed or returned in accordance with this policy or as otherwise agreed upon with the originating agency in a participation or membership agreement. The purging or removal of data shall be approved by a supervisor in accordance with applicable DVIC administrative regulations.

2. According to 18 Pa C.S. §9106, DVIC will purge intelligence information under the following conditions: (a) the data is no longer relevant or necessary to the goals and objectives of the DVIC; (b) the data has become obsolete, making it unreliable for present purposes and the utility of updating the data would be worthless, or (c) the data cannot be utilized for strategic or tactical intelligence studies.

Accountability and Enforcement

1. The policy establishing protections of privacy, civil rights, and civil liberties will be made available to the public on request and will be posted on the DVIC public website (currently being established and policy will be posted as soon as the site is published).

2. DVIC personnel or other authorized users shall report errors and suspected or confirmed violations of center policies relating to protected information to the center's Privacy Officer, who will refer the matter to the DVIC Privacy Committee. DVIC has established a Privacy Policy Committee which is responsible for receiving and responding to inquiries and complaints about privacy, civil rights, and civil liberties protections in the information system. Committee members shall receive training in the protection of privacy, civil rights, and civil liberties. The committee's point of contact is the DVIC Privacy Officer or Fusion Center Director, who can be contacted by phone at (215) 897-0800. Additionally external inquiries and complaints can be directed to the committee through the Public Information Officer. The Public Information Officer can be contacted by phone at (215) 897-0800. Any complaints or reports of violations of department policies by DVIC personnel will be handled through appropriate internal DVIC policies and procedures. Inquiries or complaints that are received by the committee involving non-DVIC personnel will be directed to the Privacy Officer and Fusion Center Director who will report the matter to the employee's agency. Information received by the DVIC pertaining to civil rights or civil liberties, will be immediately forwarded to the Privacy Committee for consideration and/or action.

3. Primary responsibility for the operation of this justice information system, including operations; coordination of personnel; the receiving, seeking, retention, evaluation, information quality, analysis, destruction, sharing, and disclosure of information; and the enforcement of this policy is assigned to the Director of the Delaware Valley Intelligence Center.

4. The designated DVIC Fusion Center Security Officer (full-time position) is responsible for handling any errors or violations with regard to this policy. The security officer shall receive appropriate training regarding the safeguarding and security of information. The security officer shall report all errors or violations of this policy to the Privacy Committee and the Fusion Center Commander.
5. DVIC will establish procedures, practices, and system protocols and use software, information technology tools, and physical security measures that protect information from unauthorized access, modification, theft, or sabotage, whether internal or external, and whether due to natural or human-caused disasters or intrusions. The methods and techniques used shall comply with security requirements outlined in 18 Pa C.S. §9106.
6. DVIC will secure tips, leads, and SAR information in a separate repository system using security procedures and policies that are the same as or similar to those used for a system that secures data rising to the level of reasonable suspicion under 28 CFR Part 23 and 18 Pa C.S. §9106.
7. DVIC will store information in a manner such that it cannot be added to, modified, accessed, destroyed, or purged except by personnel authorized to take such actions as provided in DVIC regulations.
8. Access to DVIC information will be granted only to center personnel whose positions and job duties require such access; who have successfully completed a background check and retain appropriate security clearance, if applicable; and who have been selected, approved, and trained accordingly.
9. Queries made to DVIC's data applications will be logged into the data system identifying the user initiating the query.
10. DVIC will utilize watch logs to maintain audit trails of requested and disseminated information.
11. DVIC will adopt and follow procedures and practices by which it can ensure and evaluate the compliance of users and the system itself with the provisions of this policy and applicable law. This will include logging access to these systems and periodic auditing of these systems, so as to not establish a pattern of the audits. These audits will be mandated at least annually and a record of the audits will be maintained by the DVIC security officer.
12. To prevent public records disclosure, risk and vulnerability assessments will not be stored with publicly available data.
13. DVIC will periodically conduct audits and inspections of the information and intelligence contained in the justice information system. The audits will be conducted annually and randomly by a designated representative of DVIC or by a designated independent party. The audit will be conducted in such a manner so as to protect the confidentiality, sensitivity, and privacy of information.
14. DVIC will require any individuals authorized to use the system to acknowledge receipt of the policy and agree to comply with the provisions of this policy in writing. A copy of the policy, in a printed format, will be made available to all individuals authorized to use the system.

15. DVIC reserves the right to restrict the qualifications and number of personnel having access to DVIC information and to suspend or withhold service and deny access to any participating agency or participating agency personnel violating DVIC's privacy policy.

16. The Privacy Policy Committee will liaise with the community to ensure that privacy and civil rights are protected as provided in this policy and by the center's information-gathering and collection, retention, and dissemination processes and procedures. The committee will annually review and update the provisions protecting privacy, civil rights, and civil liberties in its policies and make appropriate changes in response to changes in applicable law and public expectations. This document can be altered and expanded as the ISE and other sharing systems are defined and implemented.

17. If a user is suspected of or found to be not complying with the provisions of this policy regarding the collection, use, retention, destruction, sharing, classification, or disclosure of information, DVIC will: (a) suspend or discontinue access to information by the user; (b) suspend, demote, transfer, or terminate the person as permitted by applicable personnel policies; (c) apply other sanctions or administrative actions as provided in agency personnel policies; (d) request the agency, organization, contractor, or service provider employing the user to initiate proceedings to discipline the user or enforce the policy's provisions; or (e) refer the matter to appropriate authorities for criminal prosecution, as necessary.

18. In compliance with Pennsylvania's Breach of Personal Information Notification Act, DVIC will notify individuals if their personal information is compromised by a breach of computer security.

Training

1. The DVIC will require annual training for the following individuals regarding implementation of and adherence to the privacy policy:

- Any person that is granted direct access to DVIC information
- Personnel authorized to share protected information through the Information Sharing Environment.

2. The DVIC's privacy policy training program will cover:

- Purposes of the privacy, civil rights, and civil liberties protection policy;
- Substance and intent of the provisions of the policy relating to collection, use, analysis, retention, destruction, sharing, and disclosure of information retained by the DVIC;
- Originating and participating agency responsibilities and obligations under applicable law and policy;
- How to implement the policy in the day-to-day work of the user, whether a paper or systems user;
- The impact of improper activities associated with infractions within, or through, the agency;
- Mechanisms for reporting violations of DVIC privacy-protection policies; and

- The nature and possible penalties for policy violations, including possible transfer, dismissal, criminal liability, and immunity, if any.

Sharing of Information among Participants

1. Participating agencies with a memorandum of understanding or policies and procedures will adopt internal policies and procedures requiring the participating agency, its personnel, contractors, and users to: (a) only seek or retain information that is legally permissible for the agency to seek or retain under laws applicable to the agency; (b) only use lawful means to seek information; (c) only seek and retain information that is reliably accurate, current, and complete, including the complete, relevant context; (d) take appropriate steps when merging information about an individual or organization from two or more sources to ensure that the information is about the same individual or organization and is referenced as to the source; (e) investigate in a timely manner any alleged errors and correct or delete information found to be erroneous; (f) retain information sought or received only so long as it is relevant and timely, and delete or return information that is inaccurate, outdated, or otherwise no longer related to known or suspected criminal, including terrorist, activities; (g) maintain information and systems containing information in a physically and electronically secure environment and protected from natural or man-made disasters or intrusions; (h) engage in collation and analysis of information in a manner that conforms to generally accepted practices; (i) establish procedures that comply with the policies and procedures of the justice information sharing system for accessing information through the participating agency; (j) only allow authorized users to access the information in the shared system and only for purposes related to the performance of their official duties; (k) share information with authorized users of other justice system partners based only on a “right-to-know” and a “need-to-know” basis; and (l) establish and comply with information retention and destruction schedules.

2. Information obtained from DVIC will not be used or publicly disclosed for purposes other than those specified in the memorandum of understanding. Information cannot be sold, published, exchanged, or disclosed for commercial purposes; disclosed or published without prior approval of the contributing agency; or disseminated to unauthorized persons.

Use and Disclosure of Information Originating from another Participating Agency

1. Information originated and controlled by a DVIC participating agency that is accessed by or disseminated to a participating agency or user may not be disseminated to a third party without the express consent of the originating agency.

2. When a participating agency gathers or receives information that suggests that information originating from another agency may be erroneous, may include incorrectly merged information, or lacks relevant context, the alleged error will be communicated in writing to the person designated in the originating agency to receive such alleged errors.

Appendix A – Terms and Definitions

Access—Data access refers to the ability to get to (usually having permission to use) particular data on a computer. Web access refers to having a connection to the World Wide Web through an access provider or an online service provider. Data access is usually specified as read-only or read/write access.

With regard to the Information Sharing Environment, access refers to the business rules, means, and processes by, and through which, Information Sharing Environment participants obtain terrorism-related information, to include homeland security information, terrorism information, and law enforcement information acquired in the first instance by another Information Sharing Environment participant.

Access Control—Mechanisms for limiting access to certain information based on a user's identity and membership in various predefined groups. Access control can be mandatory, discretionary, or role-based.

Acquisition—The means by which an Information Sharing Environment participant obtains information through the exercise of its authorities; for example, through human intelligence collection or from a foreign partner. For the purposes of this definition, acquisition does not refer to the obtaining of information widely available to other Information Sharing Environment participants, for example, through news reports or by obtaining information from another Information Sharing Environment participant who originally acquired the information.

Agency—Agency refers to the DVIC and all agencies that access, contribute, and share information in the DVIC's justice information system.

Audit Trail—A generic term for recording (logging) a sequence of activities. In computer and network contexts, an audit trail tracks the sequence of activities on a system, such as user log-ins and log-outs. More expansive audit trail mechanisms would record each user's activity in detail; what commands were issued to the system, what records and files were accessed or modified, etc.

Audit trails are a fundamental part of computer security and are used to trace (albeit, usually retrospectively) unauthorized users and uses. They can also be used to assist with information recovery in the event of a system failure.

Authentication—The process of validating the credentials of a person, computer process, or device. Authentication requires that the person, process, or device making the request provides adequate credentials that prove identity. Common forms of credentials are digital certificates, digital signatures, smart cards, biometrics data, and a combination of user names and passwords. *See Biometrics.*

Authorization—The process of granting a person, computer process, or device access to certain information, services, or functionality. Authorization is derived from the identity of the person, computer process, or device requesting access, and that is verified through authentication. *See Authentication.*

Authorized User—A person that is granted direct access to DVIC information.

Biometrics—Biometrics methods can be divided into two categories: physiological and behavioral. Implementations of the former include face, eye (retina or iris), finger (fingertip, thumb, finger length or pattern), palm (print or topography), and hand geometry. Implementations of the latter include voiceprints and handwritten signatures.

Civil Liberties—Civil liberties are fundamental individual rights such as freedom of speech, press, or religion; due process of law; and other limitations on the power of the government to restrain or dictate the actions of individuals. They are the freedoms that are guaranteed by the Bill of Rights, the first ten Amendments to the Constitution of the United States. Civil liberties offer protection to individuals from improper government action and arbitrary governmental interference. Generally, the term “civil rights” involves positive (or affirmative) government action, while the term “civil liberties” involves restrictions on government.

Civil Rights—The term “civil rights” is used to imply that the state has a role in ensuring that all citizens have equal protection under the law and equal opportunity to exercise the privileges of citizenship regardless of race, religion, gender, or other characteristics unrelated to the worth of the individual; therefore civil rights are obligations imposed on government to promote equality. More specifically, they are the rights to personal liberty guaranteed to all United States citizens by the Thirteenth and Fourteenth Amendments and by acts of Congress.

Computer Security—The protection of information assets through the use of technology, processes, and training.

Confidentiality—Confidentiality is closely related to privacy but is not identical. It refers to the obligations of individuals and institutions to use information under their control appropriately once it has been disclosed to them. One observes rules of confidentiality out of respect for, and to protect and preserve, the privacy of others. *See Privacy.*

Credentials—Information that includes identification and proof of identification that is used to gain access to local and network resources. Examples of credentials are user names, passwords, smart cards, and certificates.

Criminal Intelligence Information or Data—Information deemed relevant to the identification of, and the criminal activity engaged in, by an individual or organization that is reasonably suspected of involvement in criminal acts. The record is maintained in a criminal intelligence system per 28 CFR Part 23. Reasonable suspicion applies to the information.

Data—Inert symbols, signs, descriptions, or measures.

Data Protection—Data protection encompasses the range of legal, regulatory, and institutional mechanisms that guide the collection, use, protection, and disclosure of information.

Disclosure—The release, transfer, provision of access to, sharing, publication, or divulging of personal information in any manner—electronic, verbal, or in writing—to an individual, agency, or organization outside the agency that collected it. Disclosure is an aspect of privacy, focusing on information which may be available only to certain people for certain purposes, but which is not available to everyone.

Electronically Maintained—Information stored by a computer or on any electronic medium from which the information may be retrieved by a computer, for example electronic memory chips, magnetic tape, magnetic disk, or compact disc optical media.

Electronically Transmitted—Information exchanged with a computer using electronic media such as the movement of information from one location to another by magnetic or optical media, or transmission over the Internet, intranet, extranet, leased lines, dial-up lines, private networks, telephone voice response, or faxback systems. It does not include faxes, telephone calls, video teleconferencing, or messages left on voicemail.

Fair Information Practices—The Fair Information Practices (FIPs) are contained within the Organization for Economic Co-operation and Development’s *Guidelines on the Protection of Privacy and Trans-border Flows of Personal Data*. These were developed around commercial transactions and the trans-border exchange of information; however, they do provide a straightforward description of underlying privacy and information exchange principles. They provide a simple framework for the legal analysis that needs to be done with regard to privacy in integrated justice systems. Some of the individual principles may not apply in all instances of an integrated justice system.

The eight FIPs are:

1. Collection Limitation Principle
2. Data Quality Principle
3. Purpose Specification Principle
4. Use Limitation Principle
5. Security Safeguards Principle
6. Openness Principle
7. Individual Participation Principle
8. Accountability Principle

Firewall—A security solution that segregates one portion of a network from another portion, allowing only authorized network traffic to pass through according to traffic-filtering rules.

General Information or Data—Information that may include records, documents, or files pertaining to law enforcement operations such as computer-aided dispatch (CAD) data, incident data, and management information; and information that is maintained in a records management, CAD system, etc., for statistical/retrieval purposes. Information may be either resolved or unresolved. The record is maintained per statute, rule, or policy.

Homeland Security Information—As defined in Section 892(f)(1) of the Homeland Security Act of 2002 and codified at 6 U.S.C. § 482(f)(1), homeland security information means any information possessed by

a federal, state, or local agency that (a) relates to a threat of terrorist activity; (b) relates to the ability to prevent, interdict, or disrupt terrorist activity; (c) would improve the identification or investigation of a suspected terrorist or terrorist organization; or (d) would improve the response to a terrorist act.

Identification—A process whereby a real-world entity is recognized and its identity established. Identity is operationalized in the abstract world of information systems as a set of information about an entity that uniquely differentiates it from other similar entities. The set of information may be as small as a single code specifically designed as an identifier, or a collection of data such as a given and family name, date of birth, and address. An organization's identification process consists of the acquisition of the relevant identifying information.

Individual Responsibility—Since a privacy policy is not self-implementing, an individual within an organization's structure must also be assigned responsibility for enacting and implementing the policy.

Information—Information includes any data about people, organizations, events, incidents, or objects, regardless of the medium in which it exists. Information received by law enforcement agencies can be categorized into four general areas: general data tips and leads data, suspicious activity reports, and criminal intelligence information.

Information Quality—Information quality refers to various aspects of the information such as the accuracy and validity of the actual values of the data, data structure, and database/data repository design. Traditionally, the basic elements of information quality have been identified as accuracy, completeness, currency, reliability, and context/meaning. Today, information quality is being more fully described in multidimensional models, expanding conventional views of the topic to include considerations of accessibility, security, and privacy.

Invasion of Privacy—Invasion of privacy can be defined as intrusion on one's solitude or into one's private affairs, public disclosure of embarrassing private information, publicity that puts one in a false light to the public, or appropriation of one's name or picture for personal or commercial advantage. *See also Right to Privacy.*

Law—As used by this policy, law includes any local, state, or federal constitution statute, ordinance, regulation, executive order, policy, or court rule, decision, or order as construed by appropriate local, state, or federal officials or agencies.

Law Enforcement Information—For purposes of the Information Sharing Environment, law enforcement information means any information obtained by, or of interest to, a law enforcement agency or official that is both (a) related to terrorism or the security of our homeland; and (b) relevant to a law enforcement mission, including, but not limited to, information pertaining to an actual or potential criminal, civil, or administrative investigation, or a foreign intelligence, counterintelligence, or counterterrorism investigation; assessment of, or response to, criminal threats and vulnerabilities; the existence, organization, capabilities, plans, intentions, vulnerabilities, means, methods, or activities of individuals or groups involved, or suspected of involvement, in criminal or unlawful conduct; or assisting, or associated with, criminal or unlawful conduct; the existence, identification, detection, prevention,

interdiction, or disruption of, or response to criminal acts and violations of the law; identification, apprehension, prosecution, release, detention, adjudication, supervision, or rehabilitation of accused persons or criminal offenders; and victim/witness assistance

Lawful Permanent Resident—A foreign national who has been granted the privilege of permanently living and working in the United States.

Least Privilege Administration—A recommended security practice in which every user is provided with only the minimum privileges needed to accomplish the tasks he or she is authorized to perform.

Logs—Logs are a necessary part of an adequate security system because they are needed to ensure that data is properly tracked and that only authorized individuals have access to the data. *See also Audit Trail.*

Maintenance of Information—The maintenance of information applies to all forms of information storage. This includes electronic systems (for example, databases) and non-electronic storage systems (for example, filing cabinets). To meet access requirements, an organization is not required to create new systems to maintain information, or to maintain information beyond a time when it no longer serves an organization's purpose.

Metadata—in its simplest form, metadata is information (data) about information; more specifically, information about a particular aspect of the collected information. An item of metadata may describe an individual content item or a collection of content items. Metadata is used to facilitate the understanding, use, and management of information. The metadata required for this will vary based on the type of information and the context of use.

Need to Know – As a result of jurisdictional, organizational, or operational necessities, access to sensitive information or intelligence is necessary for the conduct of an individual's official duties as part of an organization that has a right to know the information in the performance of a law enforcement, homeland security, or counter-terrorism activity, such as to further an investigation or meet another law enforcement requirement.

Non-repudiation—A technique used to ensure that someone performing an action on a computer cannot falsely deny that he or she performed that action. Non-repudiation provides undeniable proof that a user took a specific action, such as transferring money, authorizing a purchase, or sending a message.

Permissions—Authorization to perform operations associated with a specific shared resource, such as a file, directory, or printer. Permissions must be granted by the system administrator to individual user accounts or administrative groups.

Personal Data—Personal data refers to any information that relates to an identifiable individual. *See also Personally Identifiable Information.*

Personally Identifiable Information—Personally identifiable information is one or more pieces of information that, when considered together or in the context of how the information is presented or gathered, are sufficient to specify a unique individual. The pieces of information can be:

- Personal characteristics (such as height, weight, gender, sexual orientation, date of birth, age, hair color, eye color, race, ethnicity, scars, marks, tattoos, gang affiliation, religious affiliation, place of birth, mother’s maiden name, distinguishing features, and biometrics information such as fingerprints, DNA, and retinal scans).
- A unique set of numbers or characters assigned to a specific individual (including name, address, phone number, social security number, e-mail address, driver’s license number, financial account or credit card number and associated PIN number, Integrated Automated Fingerprint Identification System [IAFIS] identifier, or booking or detention system number).
- Descriptions of event(s) or points in time (for example, information in documents such as police reports, arrest reports, and medical records).
- Descriptions of location(s) or place(s) (including geographic information systems [GIS] locations, electronic bracelet monitoring information, etc.).

Persons—Executive Order 12333 defines “United States persons” as United States citizens, aliens known by the intelligence agency considered to be permanent resident aliens, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments. For the intelligence community and for domestic law enforcement agencies, “persons” means United States citizens and lawful permanent residents.

Privacy—Privacy refers to individuals’ interests in preventing the inappropriate collection, use, and release of personal information. Privacy interests include privacy of personal behavior, privacy of personal communications, and privacy of personal data. Other definitions of privacy include the capacity to be physically left alone (solitude); to be free from physical interference, threat, or unwanted touching (assault, battery); or to avoid being seen or overheard in particular contexts.

Privacy Policy— A written, published statement that articulates the policy position of an organization on how it handles the personal information that it gathers and uses in the normal course of business. The policy should include information relating to the processes of information collection, analysis, maintenance, dissemination, and access. The purpose of the privacy policy is to articulate that the agency/center will adhere to those legal requirements and agency/center policy determinations that enable gathering and sharing of information to occur in a manner that protects personal privacy interests. A well-developed and implemented privacy policy uses justice entity resources wisely and effectively; protects the agency, the individual, and the public; and promotes public trust.

Privacy Protection— A process of maximizing the protection of privacy, civil rights, and civil liberties when collecting and sharing information in the process of protecting public safety and public health.

Protected Information— Protected information includes Personal Data about individuals that is subject to information privacy or other legal protections by law, including the U.S. Constitution and Pennsylvania constitution; applicable federal statutes and regulations, such as civil rights laws and 28

CFR Part 23; applicable state and tribal constitutions; and applicable state, local, and tribal laws and ordinances. Protection may also be extended to organizations by center policy or state, local, or tribal law.

Public—Public includes:

- Any person and any for-profit or nonprofit entity, organization, or association;
- Any governmental entity for which there is no existing specific law authorizing access to the agency's/center's information;
- Media organizations; and
- Entities that seek, receive, or disseminate information for whatever reason, regardless of whether it is done with the intent of making a profit, and without distinction as to the nature or intent of those requesting information from the agency.

Public does not include:

- Employees of the agency;
- People or entities, private or governmental, who assist the agency/center in the operation of the justice information system; and
- Public agencies whose authority to access information gathered and retained by the agency/center is specified in law.

Public Access—Public access relates to what information can be seen by the public; that is, information whose availability is not subject to privacy interests or rights.

Record—Any item, collection, or grouping of information that includes personally identifiable information and is maintained, collected, used, or disseminated by, or for, the collecting agency or organization.

Redress—Internal procedures to address complaints from persons regarding protected information about them that is under the agency's/center's control.

Repudiation—The ability of a user to deny having performed an action that other parties cannot prove otherwise. For example, a user who deleted a file can successfully deny doing so if no mechanism (such as audit files) can contradict that claim.

Retention—*Refer to Storage.*

Right to Know – Based on having legal authority or responsibility or pursuant to an authorized agreement, an agency or organization is authorized to access sensitive information and intelligence in the performance of a law enforcement, homeland security, or counterterrorism activity.

Right to Privacy—The right to be left alone in the absence of some reasonable public interest in gathering, retaining, and sharing information about a person’s activities. Invasion of the right to privacy can be the basis for a lawsuit for damages against the person or entity violating a person’s privacy.

Role-Based Authorization—A type of authorization that uses roles to determine access rights and privileges. A role is a symbolic category of users that share the same security privilege.

Security—Security refers to the range of administrative, technical, and physical business practices and mechanisms that aim to preserve privacy and confidentiality by restricting information access to authorized users for authorized purposes. Computer and communications security efforts also have the goal of ensuring the accuracy and timely availability of data for the legitimate user set as well as promoting failure resistance in the electronic systems overall.

Storage—In a computer, storage is the place where data is held in an electromagnetic or optical form for access by a computer processor. There are two general usages:

1. Storage is frequently used to mean the devices and data connected to the computer through input/output operations—that is, hard disk and tape systems and other forms of storage that do not include computer memory and other in-computer storage. This meaning is probably more common in the IT industry than meaning 2.
2. In a more formal usage, storage has been divided into (1) primary storage, which holds data in memory (sometimes called random access memory or RAM) and other “built-in” devices such as the processor’s L1 cache; and (2) secondary storage, which holds data on hard disks, tapes, and other devices requiring input/output operations.

Primary storage is much faster to access than secondary storage because of the proximity of the storage to the processor, or because of the nature of the storage devices. On the other hand, secondary storage can hold much more data than primary storage.

With regard to the Information Sharing Environment, storage (or retention) refers to the storage and safeguarding of terrorism-related information, to include homeland security information, terrorism information, and law enforcement information relating to terrorism or the security of our homeland, by both the originator of the information and any recipient of the information.

Suspicious Activity—Suspicious activity is defined as “reported or observed activity and/or behavior that, based on an officer’s training and experience, is believed to be indicative of intelligence gathering or preoperational planning related to terrorism, criminal, or other illicit intention.” Examples of suspicious activity include surveillance, photography of facilities, site breach or physical intrusion, cyber attacks, testing of security, etc.

Suspicious Activity Reports—The observation and documentation of a suspicious activity. At the federal level, there are two types of SARs: 1) Information Sharing Environment SARs that pertain to terrorism information; and 2) Banking Secrecy Act SARs that pertain to suspicious banking activity and are required to be completed by financial institutions. Suspicious activity reports offer a standardized means

for feeding information repositories or data analysis tools. Patterns identified during SAR data analysis may be investigated in coordination with the reporting agency and, if applicable, the state-designated fusion center. SARs are not intended to be used to track or record ongoing enforcement, intelligence, or investigatory activities, nor are they designed to support interagency calls for service.

Terrorism Information—Consistent with Section 1016(a)(4) of IRTPA, all information relating to (a) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or materials support, or activities of foreign or international terrorist groups or individuals or of domestic groups or individuals involved in transnational terrorism, (b) threats posed by such groups or individuals to the United States, United States persons, or United States interests or to those interests of other nations, (c) communications of or by such groups or individuals, or (d) other groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

Terrorism-Related Information—In accordance with IRTPA, as recently amended by the 9/11 Commission Act enacted on August 3, 2007 (P.L. 110-53), the Information Sharing Environment facilitates the sharing of terrorism information, including weapons of mass destruction information, and homeland security information, as defined in IRTPA Section 1016(a) (5) and the Homeland Security Act 892(f) (1) (6 U.S.C. § 482(f) (1)). See also *Information Sharing Environment Implementation Plan* (November 2006) and Presidential Guidelines 2 and 3 (the Information Sharing Environment will facilitate the sharing of “terrorism information,” as defined in IRTPA, as well as the following categories of information to the extent that they do not otherwise constitute “terrorism information”: (1) homeland security information as defined in Section 892(f)(1) of the Homeland Security Act of 2002 (6 U.S.C. § 482(f)(1)); and (2) law enforcement information relating to terrorism or the security of our homeland). Such additional information includes intelligence information.

Third Party Rule—Information originated and controlled by a DVIC participating agency that is accessed by or disseminated to a participating agency or user may not be disseminated to a third party without the express consent of the originating agency.

Tips and Leads Information or Data—Uncorroborated reports or information generated from inside or outside the agency that alleges or indicates some form of possible criminal activity. Tips and leads can also be referred to as suspicious incident reports (SIRs), suspicious activity reports (SARs), and/or field interview reports (FIRs). Tips and leads information does not include incidents that do not have an offense attached, criminal history records, or CAD data. Tips and leads information is maintained in a secure system similar to data that rises to the level of reasonable suspicion.

A tip or lead can come from a variety of sources, including, but not limited to, the public, field interview reports, and anonymous or confidential sources. This information has some suspicion or mere suspicion attached to it, but without further inquiry or analysis, it is unknown whether the information is accurate or useful. Tips and leads information falls between being of no use to law enforcement and being extremely valuable depending on the availability of time and resources to determine its meaning

User – See authorized user.

Appendix B – State and Federal Law Relevant to Seeking, Retaining, and Disseminating Justice Information

STATE LAW:

Commonwealth of Pennsylvania Right to Know Law Act 3 of 2008

Declaration of Rights to the Pennsylvania Constitution

Pennsylvania Human Relations Act

Pennsylvania Consolidated Statutes (Pa C.S.) Title 18, Crimes and Offenses:

Subchapter A. General Provisions

[§ 9105.](#) Other criminal justice information.

[§ 9106.](#) Information in central repository or automated systems.

Subchapter B. Completeness and Accuracy

[§ 9111.](#) Duties of criminal justice agencies.

[§ 9112.](#) Mandatory fingerprinting.

[§ 9113.](#) Disposition reporting by criminal justice agencies.

[§ 9114.](#) Correction of inaccurate information.

Subchapter C. Dissemination of Criminal History Record Information

[§ 9121.](#) General regulations.

[§ 9122.](#) Expungement.

[§ 9123.](#) Juvenile records.

[§ 9124.](#) Use of records by licensing agencies.

[§ 9125.](#) Use of records for employment.

Subchapter D. Security

[§ 9131.](#) Security requirements for repositories.

Subchapter E. Audit

[§ 9141.](#) Audits.

[§ 9142.](#) Quality control.

[§ 9143.](#) Regulations.

Subchapter F. Individual Right of Access and Review

[§ 9151.](#) Right to access and review.

[§ 9152.](#) Procedure.

[§ 9153.](#) Individual rights on access and review.

Subchapter G. Responsibility of Attorney General

[§ 9161.](#) Duties of the Attorney General.

Subchapter H. Public Notice

[§ 9171.](#) Requirements of repositories relating to public notice.

Subchapter I. Sanctions

[§ 9181.](#) General administrative sanctions.

[§ 9183.](#) Civil actions.

FEDERAL LAW:

Brady Handgun Violence Prevention Act, 18 U.S.C. §§ 921, 922, 924, and 925A, United States Code, Title 18, Part I, Chapter 44, §§ 921, 922, 924, and 925A

Computer Matching and Privacy Act of 1988, 5 U.S.C. § 552a(a), United States Code, Title 5, Part I, Chapter 5, Subchapter II, § 552a(a); see also Office of Management and Budget, Memorandum M-01-05, "Guidance on Interagency Sharing of Personal Data—Protecting Personal Privacy," December 20, 2000

Confidentiality of Identifiable Research and Statistical Information, 28 CFR Part 22, Code of Federal Regulations, Title 28, Chapter I, Part 22

Crime Identification Technology, 42 U.S.C. § 14601, United States Code, Title 42, Chapter 140, Subchapter I, § 14601

Criminal History Records Exchanged for Noncriminal Justice Purposes, 42 U.S.C. § 14611, United States Code, Title 42, Chapter 140, Subchapter II, § 14611

Criminal Intelligence Systems Operating Policies, 28 CFR Part 23, Code of Federal Regulations, Title 28, Chapter 1, Part 23

Criminal Justice Information Systems, 28 CFR Part 20, Code of Federal Regulations, Title 28, Chapter 1, Part 20

Disposal of Consumer Report Information and Records, 16 CFR Part 682, Code of Federal Regulations, Title 16, Chapter I, Part 682

Electronic Communications Privacy Act of 1986, 18 U.S.C. §§ 2510–2522, 2701–2709, United States Code, Title 18, Part I, Chapter 119, §§ 2510–2522, 2701–2709, and 3121–3125, Public Law 99-508

Fair Credit Reporting Act, 15 U.S.C. § 1681, United States Code, Title 15, Chapter 41, Subchapter III, § 1681

Federal Civil Rights laws, 42 U.S.C. § 1983, United States Code, Title 42, Chapter 21, Subchapter I, § 1983

Federal Records Act, 44 U.S.C. § 3301, United States Code, Title 44, Chapter 33, § 3301

Freedom of Information Act (FOIA), 5 U.S.C. § 552, United States Code, Title 5, Part I, Chapter 5, Subchapter II, § 552

HIPAA, Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 201, United States Code, Title 42, Chapter 6A, Subchapter I, § 201; Public Law 104-191

HIPAA, Standards for Privacy of Individually Identifiable Health Information, 45 CFR Parts 160 and 164; Code of Federal Regulations, Title 45, Parts 160 and 164

Indian Civil Rights Act of 1968, 25 U.S.C. § 1301, United States Code, Title 25, Chapter 15, Subchapter I, § 1301

Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Section 1016, as amended by the 9/11 Commission Act

National Child Protection Act of 1993, Public Law 103-209 (December 20, 1993), 107 Stat. 2490

National Crime Prevention and Privacy Compact, 42 U.S.C. § 14616, United States Code, Title 42, Chapter 140, Subchapter II, § 14616

Privacy Act of 1974, 5 U.S.C. § 552a, United States Code, Title 5, Part I, Chapter 5, Subchapter II, § 552a

Privacy of Consumer Financial Information, 16 CFR Part 313, Code of Federal Regulations, Title 16, Chapter I, Part 313

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Protection of Human Subjects, 28 CFR Part 46, Code of Federal Regulations, Title 28, Chapter 1, Volume 2, Part 46

Safeguarding Customer Information, 16 CFR Part 314, Code of Federal Regulations, Title 16, Chapter I, Part 314

Sarbanes-Oxley Act of 2002, 15 U.S.C., Chapter 98, § 7201, United States Code, Title 15, Chapter 98, § 7201

U.S. Constitution, First, Fourth, and Sixth Amendments

USA PATRIOT Act, Public Law 107-56 (October 26, 2001), 115 Stat. 272

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