

Public Report

Beth Collins

Thu 7/14/2016 5:11 PM

To: Board Members (b) (6) @pclub.gov>; Board Counselors (b) (6) @pclub.gov>; EO 12333 Working Group (b) (6) @pclub.gov>;
Eric Broxmeyer (b) (6) @pclub.gov>:

All,

(b) (5)

1) non-responsive record
2) I think it will be possible to (b) (5) in time to vote the report out by the end of the year.

3) non-responsive record

4) non-responsive record

5) non-responsive record

I appreciate the tremendous work done to date, (b) (5)

(b) (5)

Beth

(b) (5)

(b) (5)

(b) (5)

I can try to speak with you individually or in pairs, receive your thoughts by email, or follow some other approach.

Thanks –

Sharon

Sharon Bradford Franklin
Executive Director
Privacy and Civil Liberties Oversight Board
2100 K Street, NW
Washington, DC 20427

(b) (6) [@pclub.gov](mailto:sharon@pclub.gov)

202-296 (b) (6)

RE: (b) (5)

Sharon Bradford Franklin

Mon 8/8/2016 2:33 PM

To: Board Members (b) (6) @pclub.gov;

Cc: Board Counselors (b) (6) @pclub.gov; EO 12333 Working Group (b) (6) @pclub.gov; Eric Broxmeyer (b) (6) @pclub.gov;

Board Members,

(b) (5) (b) (5)
(b) (5)
(b) (5)

Thanks –

Sharon

Sharon Bradford Franklin
Executive Director
Privacy and Civil Liberties Oversight Board
2100 K Street, NW
Washington, DC 20427

(b) (6) @pclub.gov
202-296- (b) (6)

From: Sharon Bradford Franklin
Sent: Monday, July 25, 2016 12:17 PM
To: Board Members (b) (6) @pclub.gov
Cc: Board Counselors (b) (6) @pclub.gov; EO 12333 Working Group (b) (6) @pclub.gov; Eric Broxmeyer (b) (6) @pclub.gov; Jen Burita (b) (6) @pclub.gov; (b) (6) @pclub.gov; (b) (6) @pclub.gov; Lynn Parker Dupree <lynn.parker.dupree@pclub.gov>

Subject: RE: (b) (5)

Board Members,

(b) (5)

Sharon

Sharon Bradford Franklin
Executive Director
Privacy and Civil Liberties Oversight Board
2100 K Street, NW
Washington, DC 20427

(b) (6) @pclub.gov
202-296 (b) (6)

From: Sharon Bradford Franklin
Sent: Friday, June 24, 2016 4:05 PM
To: Board Members (b) (6) @pclub.gov>
Cc: Board Counselors <(b) (6) @pclub.gov>; EO 12333 Working Group (b) (6) @pclub.gov>; Eric Broxmeyer (b) (6) @pclub.gov>; Jen Burita (b) (6) @pclub.gov>; (b) (6) @pclub.gov>; (b) (6) @pclub.gov>; Sharon Bradford Franklin (b) (6) @pclub.gov>; Lynn Parker Dupree (b) (6) @pclub.gov>
Subject: (b) (6)

Board Members,

(b) (5)

(b) (5)

(b) (5)

(b) (5)
non-responsive record

non-responsive record

(b) (5)

SHARON

Sharon Bradford Franklin
Executive Director
Privacy and Civil Liberties Oversight Board
2100 K Street, NW
Washington, DC 20427

(b) (6) @pclub.gov

202-296 (b) (6)

(b) (5)

Sharon Bradford Franklin

Mon 10/24/2016 11:38 AM

To: Board Members (b) (6) @pclob.gov>;

(b) (6) @pclob.gov> (b) (6) @pclob.gov>; Prem Trivedi (b) (6) @pclob.gov>;
(b) (6) @pclob.gov>; Esteban Morin (b) (6) @pclob.gov>; Mason Clutter
(b) (6) @pclob.gov> (b) (6) @pclob.gov>; Eric Broxmeyer <(b) (6) @pclob.gov>; Lynn
Parker Dupree (b) (6) @pclob.gov> (b) (6) @pclob.gov>; (b) (6) @pclob.gov>;
(b) (6) @pclob.gov>; (b) (6) @pclob.gov>; Jen Burita (b) (6) @pclob.gov>;

Board Members,

(b) (5)

Sharon

Sharon Bradford Franklin
Executive Director
Privacy and Civil Liberties Oversight Board

(b) (6) @pclob.gov

202-296 (b) (6)

(b) (5)

Sharon Bradford Franklin

Sun 10/9/2016 10:34 PM

To: Mason Clutter (b) (6) @pclob.gov>

Sharon Bradford Franklin
Executive Director
Privacy & Civil Liberties Oversight Board

-----Original Message-----

From: Beth Collins (b) (6) @pclob.gov]

Received: Oct 9, 6:17 PM

To: Eric Broxmeyer (b) (6) @pclob.gov]; Board Members (b) (6) @pclob.gov]

CC: Board Counselors (b) (6) @pclob.gov]; Sharon Bradford Franklin (b) (6) @pclob.gov];

(b) (6) @pclob.gov]; Esteban Morin (b) (6) @pclob.gov]; Lynn Parker Dupree

(b) (6) @pclob.gov]

Subject: Re: (b) (5)

(b) (5)

(b) (5)

Beth

From: Eric Broxmeyer

Sent: Tuesday, September 27, 2016 7:22 PM

To: Board Members

Cc: Board Counselors: Sharon Bradford Franklin (b) (6) Esteban Morin; Lynn Parker Dupree

Subject: (b) (5)

Dear Members:

non-responsive record

10/11/2017

Mail: (b) (6) pclob.gov

Thanks, Eric

(b) (5)

Sharon Bradford Franklin

Wed 11/16/2016 1:47 PM

To: Board Members (b) (6)@pclob.gov;

Cc: Board Staff (b) (6)@pclob.gov;

Board Members,

(b) (5)

non-responsive
record

(b) (5)

Sharon

Sharon Bradford Franklin
Executive Director

COMPLETED: Board Notational Vote on 12333 Public Report

Eric Broxmeyer

Fri 11/11/2016 3:10 PM

To: Board Members (b) (6) @pclob.gov;

Cc: Board Counselors (b) (6) @pclob.gov>; Sharon Bradford Franklin (b) (6) @pclob.gov>; Lynn Parker Dupree (b) (6) @pclob.gov>; Mason Clutter <(b) (6) @pclob.gov>; Esteban Morin (b) (6) @pclob.gov>;

1 attachment (421 KB)

PCLOB-D-2016-0031.pdf;

Dear Members:

This notational vote is now complete, and I've attached the notational decision sheet. With respect to the E.O. 12333 public report draft of 8/1/16 as revised by Board Member James Dempsey on 9/26/16

(b) (5) (b) (5)

- a. The Board voted 2-2 regarding whether to close out the Notational Review Process and proceed directly to a vote on the revised draft. Since the vote was a tie, the matter at issue is not approved by the Board, (b) (5)
- b. The Board voted 2-2 regarding whether to send the revised draft to the Intelligence Community for accuracy and declassification review. Since the vote was a tie, the matter at issue is not approved by the Board, i.e., the revised draft will not be sent.

(b) (5)

- d. The Board voted 4-0 against suspending work on the E.O. 12333 public report apart from work on the deep dive projects until such time as it votes to resume work on the public report.

Thanks, Eric

From: Eric Broxmeyer

Sent: Thursday, November 3, 2016 6:24 PM

To: Board Members (b) (6) @pclob.gov>

Cc: Board Counselors (b) (6) @pclob.gov>; Sharon Bradford Franklin (b) (6) @pclob.gov>; Lynn Parker Dupree (b) (6) @pclob.gov>; Mason Clutter (b) (6) @pclob.gov>; Esteban Morin

(b) (6) @pclob.gov>

Subject: Board Notational Vote on 12333 Public Report

Dear Members:

non-responsive record

non-responsive record

When the vote is complete, I will circulate a notational decision sheet.

Thanks, Eric

Eric J. Broxmeyer
General Counsel
Privacy and Civil Liberties Oversight Board
2100 K Street N.W.
Washington, D.C. 20003
(202) 296- (b) (6)

(b) (6) @pclob.gov

Re: Board Notational Vote on 12333 Public Report

Beth Collins

Wed 11/9/2016 6:27 PM

From: Eric Broxmeyer <(b) (6)@pclub.gov>; Board Members <(b) (6)@pclub.gov>;
 Cc: Board Counselors <(b) (6)@pclub.gov>; Sharon Bradford Franklin <(b) (6)@pclub.gov>; Lynn Parker Dupree <(b) (6)@pclub.gov>; Mason Clutter <(b) (6)@pclub.gov>; Esteban Morin <(b) (6)@pclub.gov>;

I vote No on each of the questions.

As I previously suggested, I think the proper course is to prioritize the deep dives, which should be ready for declassification and accuracy review this year. These deep dives can then inform the public report as it is finalized, whether that is by the Board as currently constituted, some subset of that Board, or a newly constituted Board.

(b) (5)

From: Eric Broxmeyer
Sent: Thursday, November 3, 2016 6:23 PM
To: Board Members
Cc: Board Counselors; Sharon Bradford Franklin; Lynn Parker Dupree; Mason Clutter; Esteban Morin
Subject: Board Notational Vote on 12333 Public Report

Dear Members:

non-responsive record

non-responsive record

When the vote is complete, I will circulate a notational decision sheet.

10/11/2017

Re: Board Notational Vote on 12333 Public Report - Mason Clutter

Thanks, Eric

Eric J. Broxmeyer
General Counsel
Privacy and Civil Liberties Oversight Board
2100 K Street N.W.
Washington, D.C. 20003
(202) 296- (b) (6)
(b) (6) @pclob.gov

Board Notational Vote on 12333 Public Report

Patricia Wald

Tue 11/8/2016 1:32 PM

to: Mason Clutter <(b) (6)> <pclob.gov>;

I am voting Yes on Motions A and B and No on Motions C and D aligning myself with Member Dempsey's reasons and understandings set forth in his accompanying memo. (b) (6) will provide the paperwork.

I do however wish to record my interpretation of the events leading up to the stoppage of work on the public report which vary in several respects from those set out in Rachel's e-mail of November 7. Although Rachel dissented from the original Board decision to undertake a public report on 12333, she did participate substantially in the review process of staff drafts which began in the spring of 2016 and continued through (b) (5) the last one in late September. (b) (5)

(b) (5) The Board had agreed and represented publicly that our goal was a publication by the end of the year. That timeline required that a nearly complete draft be sent to the IC for accuracy and classification review by early fall. The Board had also agreed that the public report did not need to await completion of the 3 deep dive reports. It was apparent from early on however that Board members had different views on not only the content of the public report but its tone and approach toward potentially controversial topics that might arise in the writing of a report. After the Chair's resignation on July 1 and the departure of the primary staff leader on the report, the need to find a course that could achieve consensus among the remaining 4 Board members for an informative public report became even more acute.

(b) (5)

(b) (5)

Since there are bound to be inquiries from interested outside groups on the progress of the promised public report, I thought it necessary to record my views of its history and current status to be viewed alongside Rachel's.

RE: Board Notational Vote on 12333 Public Report

Prem Trivedi

Mon 11/7/2016 4:46 PM

To: Rachel Brand <(b) (6)@pclob.gov>; Board Members (b) (6)@pclob.gov>; Board Counselors (b) (6)@pclob.gov>; Sharon Bradford Franklin (b) (6)@pclob.gov>; Eric Broxmeyer (b) (6)@pclob.gov>; Lynn Parker Dupree (b) (6)@pclob.gov>; Mason Clutter (b) (6)@pclob.gov>; Esteban Morin (b) (6)@pclob.gov>;

Members:

Jim has asked me to convey his vote and an accompanying explanation.

- A. YES
- B. YES
- C. NO
- D. NO

Jim's explanation:

"Here is a brief explanation of the rationale for my vote. I do not want to abandon the public report. I would like to continue moving forward with it, while we also pursue and conclude the deep dives. (b) (5)

(b) (5)

(b) (5) And, since I think we should continue to pursue our efforts to issue a public report, I vote "no" on (d):"

I'll submit the paperwork to Eric.

Best,
Prem

From: Rachel Brand

Sent: Monday, November 7, 2016 4:37 PM

To: Board Members (b) (6)@pclob.gov>; Board Counselors (b) (6)@pclob.gov>; Sharon Bradford Franklin (b) (6)@pclob.gov>; Eric Broxmeyer (b) (6)@pclob.gov>; Lynn Parker Dupree (b) (6)@pclob.gov>; Mason Clutter <(b) (6)@pclob.gov>; Esteban Morin (b) (6)@pclob.gov>

Subject: RE: Board Notational Vote on 12333 Public Report

I vote "No" on all four questions. (b) (6) I'll submit the completed paperwork to Eric. My reasons are below. (b) (5)

(b) (5)

With respect to Motions A and B. I vote no because (b) (5)

(b) (5)

With respect to Motion C: Even if Motions A and B prevailed, Motion C would be premature, in my view. (b) (5)

(b) (5)

With respect to Motion D, I vote no because I do not favor suspension of work. As mentioned above, I suggested a way forward and am waiting for feedback on it. In any event, we should complete the deep dives before finalizing a public report. (b) (5)

(b) (5)

non-responsive record

Rachel

From: Eric Broxmeyer

Sent: Thursday, November 3, 2016 6:24 PM

To: Board Members (b) (6) @pclob.gov>

Cc: Board Counselors (b) (6) @pclob.gov>; Sharon Bradford Franklin (b) (6) @pclob.gov>; Lynn Parker Dupree (b) (6) @pclob.gov>; Mason Clutter (b) (6) @pclob.gov>; Esteban Morin (b) (6) @pclob.gov>

Subject: Board Notational Vote on 12333 Public Report

Dear Members:

non-responsive record

When the vote is complete, I will circulate a notational decision sheet.

Thanks, Eric

Eric J. Broxmeyer
General Counsel
Privacy and Civil Liberties Oversight Board
2100 K Street N.W.
Washington, D.C. 20003
(202) 296- (b) (6)
(b) (6) @pclob.gov

Jen Burita

From: Jen Burita
Sent: Wednesday, March 16, 2016 3:47 PM
To: Sharon Bradford Franklin
Subject: (b) (5)
Importance: High

Sharon,

(b) (5)

jb

-----Original Message-----

From: (b) (6) [mailto:@firstlook.org]
Sent: Wednesday, March 16, 2016 3:38 PM
To: Jen Burita <(b) (6)@pclub.gov>
Subject: Status update?

Hey Jen!

Hope you've been well.

I'm writing up a quick post of unanswered questions about EO 12333, which are discussed in a new report about publicly available information on the order from the Brennan Center and a few other organizations. They are holding a gathering tomorrow to discuss the report.

I was wondering—is there any kind of status update you might be able to provide, however vague, about the status of PCLOB's 12333 report—both classified and not?

When I moderated the panel with Judge Wald and David Medine, I think they said sometime this year, and definitely implied it was underway, but I'd love to just add in a little nugget about a generic time people might expect it.

I'd probably put the post up either tonight or tomorrow morning.

Thanks!

(b) (6)

(b) (6)

Reporter
The Intercept

O (b) (6)
C (b) (6)
PGP (b) (6)

Jen Burita

From: Jen Burita
Sent: Tuesday, March 29, 2016 10:05 AM
To: (b) (6)
Subject: RE: PCLOB Chairman Medicine Announces Resignation

(b) (6)

David's departure will not affect the 12333 report. The Board is still going to release it this year, but I do not know the exact timing.

I cannot speculate on a new chair. You may want to reach out to the WH. They did send out a statement about David a few mins ago.

From: (b) (6) [mailto:(b) (6)@firstlook.org]
Sent: Tuesday, March 29, 2016 9:23 AM
To: Jen Burita (b) (6) [mailto:(b) (6)@pclob.gov]
Subject: Re: PCLOB Chairman Medicine Announces Resignation

Awesome, thanks. And last question, I guess—will any report on 12333 be published prior to his departure, or will a new chair be taking the project to completion?

(b) (6)

Reporter
The Intercept

O: (b) (6)

C: (b) (6)

(b) (6)

On Mar 29, 2016, at 9:22 AM, Jen Burita (b) (6) [mailto:(b) (6)@pclob.gov] wrote:

non-responsive record

From: (b) (6) [mailto:(b) (6)@firstlook.org]
Sent: Tuesday, March 29, 2016 9:20 AM
To: Jen Burita (b) (6) [mailto:(b) (6)@pclob.gov]
Subject: Re: PCLOB Chairman Medicine Announces Resignation

non-responsive record

Best,



Committed to the protection of civil liberties and privacy in the nation's efforts agai

For Immediate Release
Contact: Jen Burita (202) 296-4190
March 29, 2016

**Chairman David Medine to Resign from the Privacy and Civil Liberties Oversight Board
*Medine to Leave the Board this Summer***

WASHINGTON, DC –David Medine, who chairs the independent, bipartisan Privacy and Civil Liberties Oversight Board (PCLOB), has notified the White House of his intent to resign from the Board this summer. Chairman Medine will be working with a development organization, advising on data privacy and consumer protection for lower-income financial consumers in developing countries.

In a resignation statement, Chairman Medine said:

"I have had the great privilege of being PCLOB's first chairman. During my tenure and the tenure of President Obama and Congress, the Board has been able to carry out its timely mission of conducting oversight to ensure that federal counterterrorism efforts properly balance national security with privacy and civil liberties."

"I am grateful to have served alongside hardworking and thoughtful Board Members and staff who demonstrated extraordinary talent and commitment in their diligent work to protect privacy and civil liberties in the daunting challenge of starting a new federal agency at the same time as we were being called upon to ensure our country can simultaneously protect its cherished values while ensuring national security."

"I look forward to continuing to work on PCLOB's current projects until my departure. I am confident that after my departure, the Board Members and our dedicated staff remain committed to carrying out their work, including its ongoing examination of counterterrorism activities under Executive Order 13526."

Chairman Medine has notified the White House that his resignation will be effective July 1, 2016.

####

Jen Burita

From: Jen Burita
Sent: Wednesday, March 16, 2016 4:16 PM
To: (b) (6)
Subject: RE: Status update?

Hi (b) (6)

Yes, we anticipate releasing the EO 12333 reports this year. There will be a public report.

(b) (6)

Jen

-----Original Message-----

From: (b) (6) [redacted]@firstlook.org]
Sent: Wednesday, March 16, 2016 3:38 PM
To: Jen Burita (b) (6) [redacted]>pclob.gov>
Subject: Status update?

Hey Jen!

Hope you've been well.

I'm writing up a quick post of unanswered questions about EO 12333, which are discussed in a new report about publicly available information on the order from the Brennan Center and a few other organizations. They are holding a gathering tomorrow to discuss the report.

I was wondering—is there any kind of status update you might be able to provide, however vague, about the status of PCLOB's 12333 report—both classified and not?

When I moderated the panel with Judge Wald and David Medine, I think they said sometime this year, and definitely implied it was underway, but I'd love to just add in a little nugget about a generic time people might expect it.

I'd probably put the post up either tonight or tomorrow morning.

Thanks!

(b) (6)

(b) (6)

Reporter

The Intercept

(b) (6)

(b) (6)

(b) (6)

Jen Burita

From: Jen Burita
Sent: Tuesday, August 22, 2017 7:14 PM
To: (b) (6)@thomsonreuters.com
Subject: RE: Latest status of 12333 review?

Hi (b) (6)

Just to be clear, a quorum is needed to go past the adopted (public) work plan. Again, let me know if you have questions, but your understanding is correct.

Jen

-----Original Message-----

From: Jen Burita (b) (6)@pclub.gov]
Received: Aug 22, 11:36 AM
To: (b) (6)@thomsonreuters.com | (b) (6)@thomsonreuters.com]
Subject: RE: Latest status of 12333 review?

Hi (b) (6)

Yes, PCLOB has continued work on E.O. 12333 but the Board would need a quorum to decide how it wants to proceed.

(b) (6) Let me know if you have further questions.

Best,

Jen

-----Original Message-----

From: (b) (6)@thomsonreuters.com (b) (6)@thomsonreuters.com]
Received: Aug 21, 6:46 PM
To: Jen Burita (b) (6)@pclub.gov]
Subject: Latest status of 12333 review?

Hi Jen – Apologies for the late email (b) (6) But I wanted to check in with PCLOB and get the latest readout on what the status of the E.O. 12333 review is? I am writing a story on 12333 and wanted to include mention of PCLOB's work in this space.

I believe a review had been conducted but because the board is sub-quorum it cannot be finalized/published. Is that accurate?

Thanks so much, and hope you are well.

(b) (6)

(b) (6)

Cybersecurity correspondent

REUTERS

Office: (b) (6)

Cell/Signal/iMessage: (b) (6)

(b) (6)

Keybase: (b) (6)

(b) (6)