

ANNUAL CIVIL LIBERTIES AND PRIVACY REPORT

REGARDING THE ACTIVITIES OF THE
NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE
(NSA/CSS)

Calendar Year 2024

NSA/CSS Civil Liberties, Privacy, and Transparency Office

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Executive Summary

As the Director of Civil Liberties, Privacy, and Transparency (CLPT) for the National Security Agency/Central Security Service (NSA/CSS), I am pleased to present this unclassified report for the calendar year 2024. This report is required under Section 1062 of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 (Public Law 108-458), which codified Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (U.S.C. § 2001ee-1).

This report contains the following information:

- The number and types of reviews undertaken by the NSA/CSS CLPT Office;
- The types of advice provided and the responses given to such advice;
- The number and nature of complaints received by the NSA/CSS CLPT Office; and,
- A summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the NSA/CSS CLPT Office's activities.

The metrics presented in this report demonstrate the dynamic work of many professionals in supporting NSA/CSS mission to advance national security interests while also protecting the civil liberties and privacy interests of the American people. In 2024, for example, the NSA/CSS CLPT Office reviewed the civil liberties and privacy impacts of 638 total NSA/CSS activities, affirmed appropriate privacy safeguards were applied to 573 NSA/CSS systems, and processed 4866 total submissions from members of the public and the NSA/CSS workforce.

Particular attention has been given to ensure that the content of this report is limited to the statutory requirements noted above and to maximize transparency. Consistent with these objectives, Section III of this report also includes limited, declassified information to contextualize the performance of these statutory functions by the NSA/CSS CLPT Office.

T.D. STUCK
NSA/CSS Director, Civil Liberties, Privacy, and Transparency

I. OVERVIEW OF THE NSA/CSS CIVIL LIBERTIES AND PRIVACY PROGRAM

NSA/CSS has instituted a comprehensive civil liberties and privacy program. The CLPT Director oversees the program and serves as the senior NSA/CSS official responsible for the protection of civil liberties and privacy, as required by 42 U.S.C. 2000ee-1 and Intelligence Community Directive 107, “Civil Liberties Privacy and Transparency,” and as the Senior Component Official for Privacy, as required by Department of Defense Instruction 5400.11, “DoD Privacy and Civil Liberties Programs.” More details on the program can be found in NSA/CSS Policy 12-1, “NSA/CSS Civil Liberties and Privacy Program,” available at www.nsa.gov.

The National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263) amended the periodicity of this report from semi-annually to annually. This report combines semi-annual metrics from prior reports to facilitate comparison with the annual metrics for this calendar year.

II. NUMBER AND TYPES OF REVIEWS

The CLPT Office evaluates the civil liberties and privacy impact of NSA/CSS activities through a variety of reviews. These reviews aim to identify risks and potential mitigations early in the process, enabling the implementation of safeguards and mitigation strategies with minimal impact on mission objectives or duplication of efforts. This section outlines the different types of reviews conducted by the CLPT Office, as displayed in Table 1 below. The number of reviews conducted by year are displayed in Table 1 graph below. These metrics vary from year to year for a variety of factors, such as process efficiencies and shifts in mission needs over time.

Impact Assessments help ensure that NSA/CSS missions, programs, policies, and technologies appropriately address civil liberties and privacy considerations. These assessments include two main types: Threshold Analyses and Impact Assessments. Threshold Analyses provide an initial review of an ongoing or proposed activity to determine if a more detailed assessment is necessary. Impact Assessments analyze the sufficiency of safeguards applied to an activity based on the federal government’s Fair Information Practice Principles (FIPPs) and may also examine how NSA/CSS accesses data for national security purposes in accordance with legal or policy requirements.

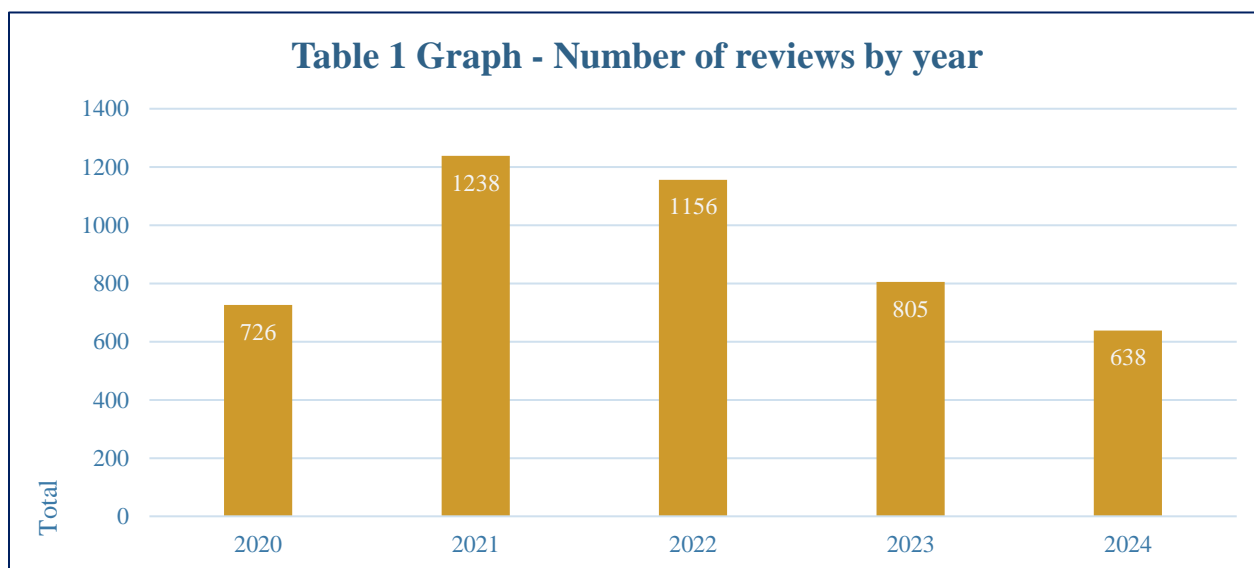
Risk Assessments play a critical role in providing NSA/CSS leadership with a comprehensive analysis of potential risks for certain activities and enable informed, timely, and defensible decisions. The CLPT Office plays a key role in the NSA/CSS Enterprise Risk process, which is overseen by the NSA/CSS Chief Risk Officer and the Office of Enterprise Risk Management (OERM) in accordance with Office of Management and Budget Circular No. A-123, “Management’s Responsibility for Enterprise Risk Management and Internal Control.” The framework is applied to assess the risks associated with activities that could pose a threat to life or limb, major new programs or initiatives, significant changes in direction, and activities with strategic implications. Civil Liberties, Privacy, and Transparency are explicitly included as risk categories. If an activity may implicate civil liberties or privacy, such as intrusion into the personal lives of individuals, the CLPT Office provides advice to help the assessment team evaluate the likelihood and severity of these risks and proposed mitigations.

Data Protection Reviews involve examining system or data analytics, commercial agreements, and computer security incident reports. These reviews are a combined total of several different types of assessments completed by the CLPT Office in conjunction with NSA/CSS mission elements. Performed as part of established governance processes, Data Protection Reviews may evaluate privacy safeguards, potential data breaches, and other incidents involving personally identifiable information (PII). They also incorporate requests made outside of standard processes.

Classified Document Reviews are another crucial aspect of the CLPT Office's responsibilities. The CLPT Office serves as the focal point and coordinator for the review of classified documents prior to their release to the public or NSA/CSS overseers. These documents often pertain to NSA's mission activities, such as the Intelligence Community Annual Statistical Transparency Report (ASTR) and the Intelligence Oversight Quarterly (IOQ) report to the DoD Senior Intelligence Oversight Official. The CLPT Office may also review other classified documents containing national security information, which require review by Original Classification Authorities in accordance with Executive Order 13526, "Classified National Security Information," such as reports by the U.S. Privacy and Civil Liberties Oversight Board. Additionally, the CLPT Office coordinates the NSA/CSS reviews of materials subject to mandatory declassification reviews pursuant to the Foreign Intelligence Surveillance Act (FISA).

Table 1 – Number and types of reviews

Types of Reviews	Jan. – Jun.	Jul. – Dec.	2024
Impact Assessment	1	0	1
Risk Assessments	9	24	33
Data Protection Reviews	244	218	462
Classified Document Reviews	60	82	142
Total	314	324	638

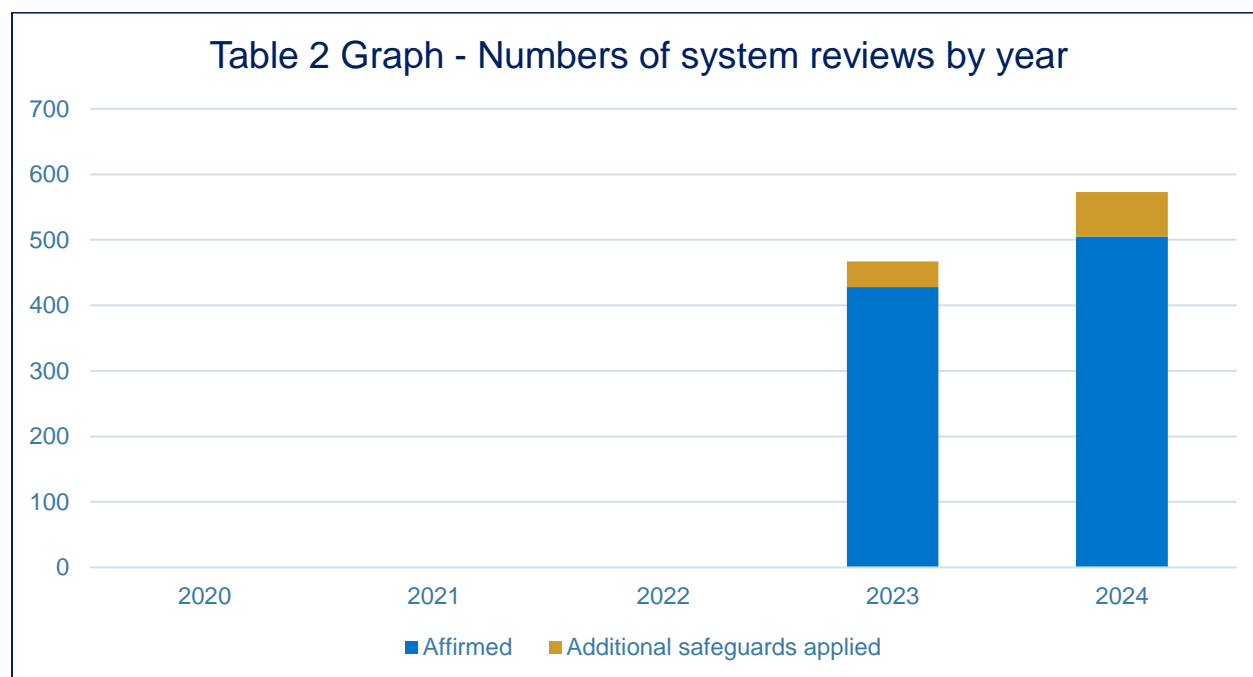


System Privacy Assessments are completed for each new NSA/CSS system before granting systems the authority to operate and existing systems at least once every three years. To ensure compliance, the NSA Chief Information Officer has implemented a system privacy assessment process that aligns with DoD Instruction 5400.16, “DoD Privacy Impact Assessment (PIA) Guidance,” and other relevant requirements. This process involves identifying the PII present on each system, evaluating the existing physical, administrative, and technical safeguards in place, and ensuring that system privacy overlays align with the sensitivity of the information.

In 2023, the CLPT Office began publicly disclosing the results of system privacy assessments, as represented in the new Table 2 graph. This table illustrates the total number of systems reviewed and the outcome of each review, indicating whether additional privacy protections were implemented based on the CLPT Office’s analysis. Due to a recent update in methodology used to assess metrics, an updated accounting for the CY2023 SPA metric has been included in this report.

Table 2 – NSA/CSS System Privacy Assessments

Systems Reviewed & Outcome of Review	Jan.-Jun.	Jul.-Dec.	2024
Controls confirmed	268	237	505
Additional Privacy Safeguards Applied	25	43	68
Total NSA/CSS Systems Reviewed	293	280	573



III. SUMMARY OF ADVICE PROVIDED AND REPOSES TO ADVICE

The CLPT Office advises NSA/CSS on required and recommended practices to protect civil liberties and privacy throughout its operations. In accordance with Section 803, which mandates public disclosure of the CLPT Office's activities while respecting classified information and applicable laws, this section provides unclassified examples of significant advice given by the CLPT Office in 2024 and summarizes the responsiveness of NSA/CSS officials in implementing that advice.

- **As reflected in Table 1**, the CLPT Office completed one Impact Assessment of an NSA/CSS activity in 2024. This assessment involved a review of NSA/CSS signals intelligence (SIGINT) activities to assist U.S. persons impacted by the Israel-HAMAS conflict. This assessment was designed to help NSA/CSS reflect on lessons learned from activities conducted in exigent circumstances that presented imminent threats to the lives and physical safety of U.S. persons located in Gaza. The assessment and findings of the CLPT Office are documented in a classified report. The report confirmed the overall effectiveness of civil liberties and privacy safeguards for NSA/CSS activities during overseas hostage recovery and crisis support operations. It included five recommendations, each of which were accepted for implementation by the designated NSA/CSS offices.
- **As reflected in Table 2**, the NSA/CSS System Privacy Assessment process identified the need for additional privacy safeguards in 68 out of 573 total NSA/CSS systems, which is approximately 11.9% of all new systems or existing systems subject to review in 2024. Additional system privacy safeguards were applied or appropriately documented in line with the CLPT Office's advice. However, updates to system privacy overlay requirements for all National Security Systems were significantly delayed from January to September 2024 due to NSA/CSS concerns regarding cost and schedule for implementation. These concerns were resolved through administrative adjustments published by the Committee for National Security Systems in October 2024. Table 2 does not include data prior to 2023 because this specific metric was not tracked or included in the reporting analysis during those earlier periods.
- **As reflected in Table 5 (below)**, the CLPT Director serves as the Agency's final adjudicator of requests for information under the Privacy Act of 1974. In 2024, the CLPT Director adjudicated and granted additional relief in 9 of 22 Privacy Act appeals, representing approximately 41% of all initial Agency responses that were appealed. These determinations led to updates in standard operating practices and internal guidance for the processing of Privacy Act requests to ensure more timely and consistent application of the law. The NSA Office of General Counsel and NSA/CSS Privacy Act Office appropriately facilitated corrective actions in each of these cases, which in some instances included expedited review and re-processing of classified security and personnel records.

IV. NUMBER AND NATURE OF COMPLAINTS RECEIVED

The CLPT Office receives various questions, complaints, and inquiries, collectively termed "submissions," from both the public and the NSA/CSS civilian, military, and contractor workforce (hereinafter collectively referred to as NSA/CSS workforce). To be included in this report, a submission must be documented in writing and relate to allegations of harm, civil liberties or privacy violations, or concerns regarding NSA/CSS program administration or operation. This section presents metrics detailing the total volume and resolution of these submissions, as further broken down in Tables 3 and 4.

Table 3 shows the total number of submissions, both open and anonymous, sent to the CLPT Office during the reporting period by members of the public and NSA/CSS workforce. The public can contact the CLPT Office via mail or a form on the NSA/CSS public website (nsa.gov). Notably, most submissions from the public come through the NSA/CSS website. The NSA/CSS workforce can submit inquiries, including those involving classified information, through an internal email alias or an anonymous form. The total count, which includes repeat submissions, does not reflect the number of unique individuals who contacted the CLPT Office. Table 3 demonstrates an increase in the number of public submissions during calendar year 2024 compared to the preceding year. Because this specific metric was not tracked in reports prior to 2022, there is currently no further information to assess whether this increase represents a meaningful trend.

Submissions span a wide array of topics. Common themes from the NSA/CSS workforce include protecting PII within Agency systems or communications, handling sensitive PII information, reporting potential PII breaches, and inquiries about the collection or storage of Social Security numbers according to DoD guidelines. Additionally, NSA/CSS workforce often seek help in drafting Privacy Act Statements.

The CLPT Office initially reviews each public submission to assess its relevance to civil liberties or privacy issues. Common submission topics include perceived injustices and broad complaints of government activities, alleged government fraud, waste, or resource abuse, Freedom of Information or Privacy Act requests, potential civil liberties and privacy abuse in NSA/CSS programs, and information on filing a complaint under Executive Order 14086. Many public web form submissions are neither credible nor related to NSA/CSS. Those lacking an actionable question, complaint, or request for redress are closed upon review, and misdirected submissions are forwarded to the appropriate organization.

The CLPT Office provides written guidance in response to allegations of civil liberties or privacy violations, and may directly respond to individuals who provide contact information as appropriate. The CLPT Office may also publish general guidance to address anonymous submissions or to inform the NSA/CSS workforce about commonly identified systemic issues. The CLPT Office collaborates with the Office of General Counsel and the relevant organization for further assessment of submissions which indicate a potential PII incident or breach. Moreover, the CLPT Office is responsible for alerting the DoD Senior Agency Official for Privacy of certain data breaches, following federal guidelines.

Additionally, under the Privacy Act of 1974, individuals can request copies of their personal records, including any item, collection, or grouping of information maintained by NSA/CSS and retrieved using the individual's name or personal identifier. The CLPT Director serves as the Agency's final adjudicator in cases where the submitter has appealed the NSA/CSS response to their initial request. The NSA/CSS Privacy Act Office notifies each individual in writing of the final adjudication of their request and their legal right to seek judicial review in a United States District Court.

Table 3 – Types of Submissions

Source	Jan.-Jun.	Jul.-Dec.	2024
Public	1482	3265	4747
NSA/CSS Workforce	58	61	119
Total Received	1540	3326	4866

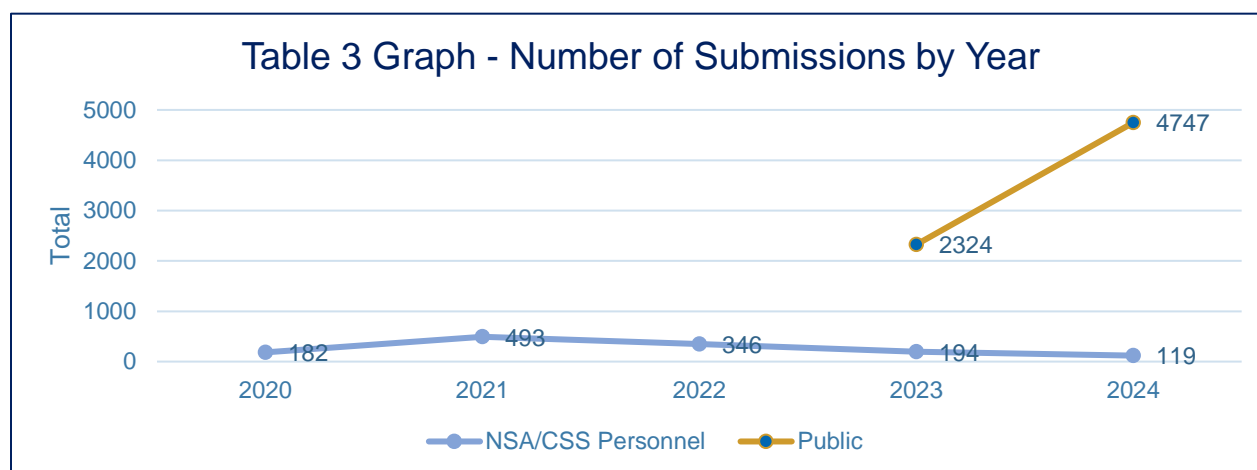


Table 4 – Disposition of Public Submissions

Disposition	Jan.-Jun.	Jul.-Dec.	2024
Referred to the NSA Inspector General	1	1	2
Referred to Other Offices	2	3	5
Public Response	8	8	16
Addressed/Reviewed and Closed	1471	3253	4724
Total Closed	1482	3265	4747

Table 5 – Privacy Act Appeals

Disposition	Jan.-Jun.	Jul.-Dec.	2024
Adjudicated Responses	9	13	22
Appeals Granted	2	7	9

V. CONCLUSION

This report summarizes the activities of the NSA/CSS CLPT Office for 2024. Reports summarizing activities from prior reporting periods, as well as more information on the NSA/CSS Civil Liberties and Privacy Program, are available at www.nsa.gov.