

Live Tumblr Q&A with NSA Civil Liberties & Privacy Officer Rebecca Richards

November 24, 2014, 2PM EST

Introduction

http://tumblr.co/ZZQjsq1WNmP_L

Hi, I'm Becky Richards,

NSA's Civil Liberties and Privacy Director. Thank you for joining me today in our first TUMBLR event!

For the next hour or so, I'll be taking questions from the public about how NSA is considering civil liberties and privacy as part of its mission.

I appreciate hearing from you as we work to provide more information about the National Security Agency, our people and our mission.

Before we get started I wanted to give you a little background about NSA.

For more than 60 years, NSA's code makers and code breakers have provided unique national assets to defend the nation and our allies.

NSA has been directed to conduct signals intelligence activities for foreign intelligence and counterintelligence purposes and has also been instructed to provide information assurance products and services to protect the United States' national security systems.

Q: Is "NSA Civil Liberties and Privacy Director" a real position or is this all a joke?

<http://tumblr.co/ZZQjsq1WNn7by>

Anonymous

Yes I am a real person and this is a real job :)

My job is to lead the integration of civil liberties and privacy protections across the NSA and strengthen transparency.

The President announced the formation of this office as a part of overall reforms to help the intelligence community improve civil liberties and privacy protections.

I've been at NSA since February 2014. I'm very happy to have a role in this discussion to help communicate concerns and ensure NSA has the best civil liberties and privacy practices.

Thanks for breaking the ice with our first question!

Becky

Q: I'm submitting this anonymous question through TOR. Can you tell who this is?

<http://tumblr.co/ZZQjsq1WNo4HE>

Anonymous

Mom - is that you?

In all seriousness, no. Anonymous means anonymous.

Becky

Q: What is involved in your typical day of work?

<http://tumblr.co/ZZQjsq1WNpoJ6>

virgash

No day is typical!

My office reviews various aspects of NSA's activities, especially where there are potential high risk impacts to privacy and civil liberties.

We help identify those risks and make recommendations on how best to mitigate them.

On average, I spend about 30-40% of my time outside of NSA. I meet with other Privacy Officials in government and ODNI, with members of the Civil Liberties and Privacy Advocacy Community, key Hill staff, the related academic community and other experts

and thought leaders in this area on a regular basis. I also have regular conversations with the PCLOB — [Privacy and Civil Liberties Oversight Board](#).

Becky

Q: Why do you believe what the NSA does is within the legal parameters the constitution?

<http://tumblr.co/ZZQjsq1WNqui9>

adriennemichelson

The rules NSA operates under ensure that its activities fall within the parameters of the constitution.

The oversight regime governing NSA is extensive, spanning all three branches of government.

NSA also has a rigorous internal oversight and compliance framework, which includes Office of the Inspector General, the Office of General Counsel, the Office of the Director of Compliance, the Authorities Integration Group, the Associate Director for Policy and Records, and now the Civil Liberties and Privacy Office.

The fact that NSA created my job highlights the value and importance NSA leadership places on privacy and civil liberties protections.

Becky

Q: Benjamin Franklin is quoted as saying "He who gives up freedom for safety deserves neither." Do you think the NSA's erosion of the Fourth Amendment is fair and righteous, in regard to the principles on which the United States were founded?

<http://tumblr.co/ZZQjsq1WNss3E>

Anonymous

Intelligence agencies, just like other government agencies, have a responsibility to protect privacy and civil liberties. In the course of our operations, we take great care to protect and safeguard personal privacy.

Like everyone else at NSA, I took an oath of office to support and defend the Constitution. I take those responsibilities *seriously*.

Protection of civil liberties and privacy must coexist with national security.

Becky

Q: pretty sure that's Taylor Swift

<http://tumblr.co/ZZQjsq1WNthKN>

Anonymous

Shake it off...

Q: Would the NSA ever consider establishing a privacy & civil liberties internship program or work exchange program in an effort to expose more privacy professionals to the NSA culture and help foster more understanding of what NSA does?

<http://tumblr.co/ZZQjsq1WNUXSC>

danverton

We're actually working on this right now. In the meantime NSA has a [general internship program](#).

Becky

Q: What is your first priority as Privacy Director?

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61secondsago

I actually have four main goals...

Advise NSA leadership including the Director.

Build systematic and holistic civil liberties and privacy processes.

Improve civil liberties and privacy protections through research, education, and training.

Increase transparency.

Becky

Q: How do you respond to news reports that suggest some NSA analysts with access to the bulk telephone metadata records misappropriated their search ability to gather details on romantic interests?

<http://tumblr.co/ZZQjsq1WNzaOo>

matthewkeys

I think you are referring to the [widely reported letter](#) sent to congress in 2013. This was not about the use of misuse of bulk telephony metadata records.

As noted in the letter, there have been very limited cases of intentional misuse by a handful of individuals. These have been investigated by NSA's Inspector General and reported to Congress.

Appropriate personnel actions were taken to hold individuals accountable for their actions.

The overwhelming majority of errors that are reported in NSA's regular intelligence oversight reports are unintentional mistakes that are quickly addressed.

Becky

Q: Hi. Do you see incidental collection of US persons' data as a privacy issue, and do you support the Review Group's recommendation 12(1) that such data should presumptively be "purged upon detection"? --Barton Gellman

<http://tumblr.co/ZZQjsq1WN-IW9>

Anonymous

Yes. It's a privacy issue.

There are many restrictions protecting US persons information that limit use, access, sharing and retention of that data. These are generally referred to as "minimization procedures." These include rigorous controls over how long data can be maintained and when it must be purged.

These minimization procedures, as well as other policies, attempt to limit the amount of US person information that NSA incidentally acquires. Part of my job is to apply my civil liberties and privacy perspective and expertise as NSA translates these longstanding principles to the modern communications environment.

Becky

P.S. Curious about what US person means? [See here.](#)

Q: Do you believe Edward Snowden is a traitor? Why or why not?

<http://tumblr.co/ZZQjsq1WO1qzi>

Anonymous

It's an ongoing investigation so I cant comment, but from NSA's internal review, we know that U.S. intelligence capabilities, activities and methods from a wide range of sources have been compromised.

Our people overseas in dangerous places and at home are at greater risk because it is now harder to see foreign threats.

Becky

Q: Are our fears of being discreetly spied on merited? Should we have cause for concern?

<http://tumblr.co/ZZQjsq1WO34s->

Anonymous

No - the President [answered this question](#) in his address to the nation in January 2014. NSA employees, he said, “are not abusing authorities in order to listen to your private phone calls or read your emails.”

That’s the short answer. here’s a longer one...

NSA is a *foreign* intelligence agency. Our mission is to collect critical intelligence on *foreign* powers or their agents necessary to defend the country.

Other agencies, primarily the Federal Bureau of Investigation, focus on disrupting national security threats within the United States, including those involving Americans.

To target a specific American for foreign intelligence purposes, such as an American citizen who may have joined a terrorist group overseas, the Foreign Intelligence Surveillance Act generally requires the Government to obtain an order from the Foreign Intelligence Surveillance Court, based on a finding of *probable cause* to believe the intended target is a foreign power or an agent of a foreign power.

When directing signals intelligence collection against a non-U.S. person, some degree of incidental collection of U.S. person communications is inevitable.

For example, a foreign intelligence target may communicate with or about a U.S. Person. NSA’s minimization procedures have been designed to account for this possibility and other cases where NSA may incidentally acquire U.S. Person information.

To take that one step further, the NSA cannot, and does not, ask foreign partners to do that which it is legally prohibited from doing.

When we do work with foreign partners, we do so under regulated conditions, helping to ensure that our partners cannot use our capabilities to circumvent their laws and policies.

Becky

Thank you so much for all your questions

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We’ve got time for just a couple more!

Becky

Q: What are the safeguards, the checks and balances that ensure that the NSA, and anyone within the NSA is following the law and not becoming overzealous while in pursuit of gathering intelligence to protect our national security? Because having your stated policy on privacy is nice, but ultimately meaningless if there is not an effective method of enforcement in place. How do you know your methods are working?

<http://tumblr.co/ZZQjsq1WO7m2G>

truestoryofthelieswetold

My office has issued [two public reports](#) that document existing civil liberties and privacy protections at NSA and I've launched a [public web site](#) that aims to provide more information about our activities to the public.

Many NSA systems employ automated means—on top of human-based checks—to protect personal information and safeguard privacy and civil liberties considerations. We see automated tools and processes as an important—but not the only—means of achieving these objectives.

No system is perfect, and that is why we also employ robust human checks conducted by highly trained analysts and compliance personnel.

If our compliance measures do not prevent a mistake, NSA employees are obligated to report those incidents. We provide regular reports of any errors to our oversight authorities both within the Executive Branch and the Congress.

Becky

Q: What process compares the gains for national security to the losses of privacy for internet surveillance?

<http://tumblr.co/ZZQjsq1WOAILs>

Anonymous

This is a difficult process, but a worthwhile one. I've found NSA already has a very strong compliance ethic and as my report shows has many existing safeguards for privacy and civil liberties.

To address the privacy challenges that naturally arise in the national security environment, we are building an assessment process that identifies both the risks to privacy and civil liberties and the mitigations that reduce the impact on ordinary people. It includes:

1. how intrusive is the program to the individual (e.g., what type of data is being collected?)
2. how broad is the program (e.g., am I obtaining data about more people than my intended foreign intelligence target?)
3. are the stated use and future uses appropriate given the type of data collected?

As part of this, NSA is documenting both standard protections, such as minimization of personal information and control on who has access to the information, as well as any specialized tools, training, policies, and procedures in place designed to protect civil liberties and privacy.

Becky

Q: What's the point of this Q&A? Is something good supposed to come out of it?

<http://tumblr.co/ZZQjsq1WOCNwR>

baykerstreet

Until somewhat recently, relatively little information about NSA was public. And the information that was made available rarely discussed the safeguards in place to protect civil liberties and privacy.

One of my goals is to share what NSA does to protect civil liberties and privacy. This will take time, but we must start somewhere.

So I understand why folks are concerned, but we have to start somewhere to begin to rebuild that trust.

Becky

Conclusion

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Thank you for your time and questions - many, many more than I could answer in a little under two hours.

I hope you found it helpful and I was able to provide some useful information about NSA, [my office](#) and our mission.

While I only had a small window of time to respond to your questions, I hope to use this venue and others in the future to provide additional information.

We'll have to do this again some time. Let's keep the dialog going.

Becky