

CDT Submits Recommendations to Privacy & Civil Liberties Board

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The Privacy and Civil Liberties Oversight Board has the opportunity to finally bring the voice of the people back into the debate about security and surveillance.

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The Center for Democracy & Technology (CDT) today submitted its formal statement to the Privacy and Civil Liberties Board (PCLOB), calling for the termination of the bulk telephone metadata program operated under Section 215 of the Patriot Act and for reforms to the surveillance conducted under Section 702 of the Foreign Intelligence Surveillance Act (FISA). CDT's Director of the Project on Freedom, Security & Technology, Greg Nojeim, who testified at the July 9, 2013 PCLOB workshop, outlined CDT's primary concerns and recommendations around each program.

"The Privacy and Civil Liberties Oversight Board has the opportunity to finally bring the voice of the people back into the debate about security and surveillance. For too long the government has steamrolled our privacy rights in the name of fighting terrorism. This is not an all or nothing proposition, and I'm optimistic PCLOB will bring a renewed balance as we work to preserve our civil liberties while keeping America safe," said Nojeim.

CDT's official statement says: "NSA surveillance programs have strayed too far from the world envisaged by the Constitution; a world where an American does not have to worry about government surveillance unless there is evidence that he is up to no good. Although the Framers created the Fourth Amendment's protection from unlawful searches and seizures with the context of a physical home, we now live our lives online. CDT urges PCLOB to account for technology's rapid advance and to make findings and recommendations that are forward looking, and that preserve individuals' reasonable expectations of privacy as those expectations evolve with technology,"

Specifically, CDT urged PCLOB to recommend, with respect to surveillance under section 215 of the Patriot Act:

- That the government cease its bulk collection of telephony metadata
- That Congress amend Section 215 to require a tie to an agent of foreign power and to prohibit prospective surveillance under that authority
- That the government permit providers to disclose the number of Section 215 order they receive
- That the government make FISA Court opinions available to the public to the extent possible and ensure the public's civil liberties are represented in court proceedings

CDT urged PCLOB to recommend, with respect to surveillance under Section 702 of FISA (PRISM program):

- Declassification of much of the information around the use of Section 702, and release of redacted opinions of the FISA Court that interpret it
- That Congress give the FISA Court more oversight over surveillance, including the ability to decide what surveillance is conducted
- A tightening of targeting and minimization guidelines
- Employ of a narrower definition of the permissible purpose of surveillance
- Measures that account for the fundamental human right to privacy of people outside the U.S.



The full statement from CDT is available [here](#) [2].

For more information about CDT's official statement to PCLOB or the NSA surveillance programs, contact Greg Nojeim at gnojeim@cdt.org [3]; 202-637-9800.

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