



United States Department of State

*Assistant Secretary of Democracy,
Human Rights, and Labor*

Washington, D.C. 20520-7827

July 28, 2014

Dear Civil Society Community,

Thank you for your letter. I deeply value your engagement on these issues and know that it is vital to ensuring that U.S. policies are consistent with our values.

As President Obama has underscored, our signals intelligence activities must take into account that all persons should be treated with dignity and respect, regardless of their nationality or wherever they might reside, and that all persons have legitimate privacy interests in the handling of their personal information. The United States does not collect signals intelligence for the purpose of suppressing or burdening criticism or dissent, or for disadvantaging persons based on their ethnicity, race, gender, sexual orientation, or religion. We value and defend the work of human rights organizations around the world, and criticize governments that spy on such organizations to curtail their work.

As you know, we, like others, are contending with the equally important goals of preserving privacy and security. At the Freedom Online Coalition conference in Tallinn, Secretary Kerry noted that “cyber security cannot come at the expense of cyber privacy” and spoke about the values that underlie our signals intelligence practices: first, rule of law – democracies must act according to clear, legal authorities, and their intelligence agencies must not exceed those authorities; second, legitimate purpose – democracies should collect intelligence only for legitimate reasons and in a non-arbitrary fashion; third, oversight – judicial, legislative or other bodies such as independent inspectors general play a key role in ensuring that these activities fall within legal bounds; and finally, transparency – the principles governing such activities need to be understood so that free people can debate them and play their part in shaping these choices.

In his recent policy directive on signals intelligence activities, President Obama gave the entire Executive Branch clear direction to apply the principles he laid out in a way that is consistent with our values, and stressed that privacy considerations

are integral in the planning of U.S. signals intelligence activities. He further reiterated that signals intelligence is collected only for a foreign intelligence or counterintelligence purpose to support national and departmental missions and not for any other purpose.

For signals intelligence collected in “bulk,” the President put in place a requirement that such intelligence be used only for six specific purposes – counterintelligence, counterterrorism, counter-proliferation, cybersecurity, force protection, and detecting and countering transnational criminal threats including illicit finance and sanctions evasion. Moreover, the President directed the extension of additional protections for the personal information of non-U.S. persons collected through signals intelligence, which will require agencies, to the maximum extent feasible consistent with the national security, only to retain and disseminate such personal information if comparable information regarding U.S. persons could also permissibly be retained or disseminated.

The discussions we as a society are having on these issues are important, and your voices are critical to the conversation. As President Obama said, this debate will make us stronger. I look forward to continuing this conversation with you and working together to ensure that our policies are consistent with the values we hold dear.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Malinowski".

Tom Malinowski