

**TASK FORCE
CO-CHAIRS:**

Zoë Baird
James Barksdale

MEMBERS:

Robert D. Atkinson
Eric Benhamou
Jerry Berman
Robert M. Bryant
Ashton B. Carter
Wesley Clark
William P. Crowell
Bryan Cunningham
Jim Dempsey
Mary DeRosa
Sidney D. Drell
Esther Dyson
Amitai Etzioni
Richard Falkenrath
David J. Farber
John Gage
John Gordon
Slade Gorton
Morton H. Halperin
Margaret A. Hamburg
John J. Hamre
Eric H. Holder, Jr.
Jeff Jonas
Arnold Kanter
Tara Lemmey
Gilman Louie
John O. Marsh, Jr.
Judith A. Miller
James H. Morris
Craig Mundie
Jeffrey H. Smith
Abraham D. Sofaer
James B. Steinberg
Kim Taipale
Rick White
Richard Wilhelm

Nation At Risk:

Policy Makers Need Better Information to Protect the Country

SUMMARY OF SPECIFIC RECOMMENDATIONS

The Markle Task Force urges the President and Congress to:

1. Reaffirm information sharing as a top priority.
 - A. President Obama should *move the PM-ISE into the Executive Office of the President* in order to ensure that the PM-ISE has (i) government-wide authority to coordinate policies, and (ii) White House backing to carry out its mission.
 - B. President Obama should *order an initial 60-day high-level review of the current policy and privacy guidelines and processes for the ISE* to be completed by May 15, 2009, and should conduct similar reviews on an annual basis thereafter in order to ensure government-wide focus and coordination. The administration should release public reports on the results of the initial 60-day review, the status of implementation, and each annual review.
 - 1) The initial 60-day review and each annual review should *apply ISE best practices more broadly to areas such as cybersecurity, nuclear proliferation, energy security, and climate change.*
 - 2) The initial 60-day review and each annual review should focus directly on the *overlapping worlds of law enforcement and domestic intelligence.* The administration should continue to *work on robust pilots* that test concepts that could improve the way the two communities work together, and should establish a process to *transfer best practices* from successful pilots to the broader intelligence and law enforcement communities.

- C. The President should convene a Cabinet meeting to affirm information sharing as a top priority and to help overcome the bureaucratic resistance and turf wars that stymie progress.
 - D. Congress should hold hearings on the initial 60-day review and on each annual report to assure that the issue remains a high national priority.
2. Make government information discoverable and accessible to authorized users by increasing the use of commercially available off-the-shelf technology.
- A. The Obama administration should establish a *policy obligating all agencies with a national security mission* to make their data *discoverable*.
 - 1) This policy should require that departments and agencies: (1) tag their data at the point of collection; (2) contribute key categories of data (e.g., names, addresses, passport numbers, etc.) to data indices; and (3) follow through on implementing widely available means to search data indices. Such technology is readily available. (ICD 501 is a step in the right direction.)
 - 2) This clear government-wide policy guidance must be accompanied by *accountability* and the *painstaking work of implementation* because increasing discoverability is a critical precursor to effective information access.
 - B. The information sharing framework should begin *phased implementation of an authorized use standard* using *commercial off-the-shelf technology*, which could enable the use of such a standard even in today's environment of multiple and differing authorities and standards across the government.
 - C. The information sharing framework should address *identity management obstacles* by adopting technology that is available today so that an authorized use standard can be implemented to enable selective revelation of discovered information based on roles, missions, and legal authorities.
 - D. Congress should hold hearings to oversee the development of the information sharing framework, including how much data is discoverable and the status of progress on implementation of an authorized use standard. Congress should make sure these efforts are adequately funded.
3. Enhance security and privacy protections to match the increased power of shared information.
- A. The information sharing framework should *increase information security* by including implementation of *real-time audits* of user compliance and behavior and *immutable audit logs* that record how a system has been used, because these measures will create an environment where users trust the security that is in place and thus sharing can increase.
 - B. The Obama administration must promulgate *government-wide policies on privacy and civil liberties* that are directive on hard issues and provide *consistency*, even as they allow agencies the flexibility that their different missions and authorities require.

- C. The new administration should make measurable government-wide changes with respect to privacy in the following areas:
 - 1) *Auditing* of both data quality and data flows.
 - 2) Enhanced fidelity of *watchlists*.
 - 3) Deployment of *access and permissioning systems* based on carefully defined missions and authorities.
 - 4) *Clear predication* for collection and retention of data.
 - 5) *Redress systems* that offer a meaningful opportunity to challenge adverse action and ensure that corrections or qualifications catch up with disseminated data.
- D. The President and Congress should *nominate and confirm members to the Privacy and Civil Liberties Oversight Board* within the next 60 days.
- E. Agency heads should ensure that their *Civil Liberties and/or Privacy Officers are engaged at all stages of the policy* development and implementation process.
- F. The information sharing framework should include *technological tools* to minimize risk of unintended disclosure of personally identifiable information, including tools for *anonymization, strong encryption, and digital rights management*. Such technologies are commercially available today.
- G. Congress should engage in *vigorous oversight with respect to privacy* to make sure that the laws adequately protect privacy and civil liberties. The administration should fully inform the relevant committees and appropriately cleared staff of the *challenges* the government faces as a *result of rapidly developing communications technology* and of *tools the administration is currently employing* to collect information, including any new technology that may be needed to adequately collect and analyze information.

4. Transform the information sharing culture with metrics and incentives.

- A. The new administration must use *mission-oriented metrics* to change the “need to know” culture that persists in many agencies. To establish these metrics, as part of the initial 60-day review, the new administration and Congress should develop key questions in order to evaluate and measure agencies’ performance in meeting essential information sharing and analysis objectives.
 - 1) One of the first metrics should focus on *discoverability* by measuring what percentage of an agency’s data holdings have been registered in the data indices directory.
 - 2) This could be accompanied by ongoing *tests across organizations* measuring how the information sharing framework scores according to certain critical system requirements (akin to the *Quality Assurance scenarios* used in the private sector).
- B. The administration should hold agencies accountable for reaching specific benchmarks or milestones by using program funding incentives. (ex. Programs that do not make their information discoverable by putting their data in the index should get less funding.)

- C. The information sharing framework could also increase individual accountability by creating a special confidential channel for field officers and mid-level analysts to call senior leadership's attention to their belief that critical information is not being shared. Penalties for failure to share information should be widely known and consistently applied.
- D. The Obama administration must use individual performance incentives and training to accelerate cultural change. For example:
 - 1) By *integrating information sharing into performance reviews and budget and personnel resource allocation* for all agencies that have a national security mission.
 - 2) By *creating an information sharing award*. The award could be given to the agency or unit within an agency that has been most successful at making its data discoverable.
 - 3) By *increasing joint duty* in the IC and instituting the practice that promotion to senior levels requires a tour of duty at another agency. This would help build a sense of trust and community within the IC.

5. Empower users to drive information sharing by forming communities of interest.

- A. The information sharing framework must enable users to form *communities of interest* and drive information sharing.
- B. *Users must become active participants in improving their own information base* by consistently asking whether the best possible information is available to accomplish their mission.
- C. The information sharing framework needs to be *focused on decision-making and users' goals* rather than simply exchanging data. This will empower users by allowing users to drive policies, resource allocation, and procurement.
- D. *Successful examples* of user-driven information sharing should be studied and *the best practices should be applied broadly throughout the information sharing framework*.
- E. The *information sharing framework's* focus must be *on people and policies*, not just technology. ■

Read or download the full report at www.markle.org/markletaskforce.