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¹ GLOBAL JUSTICE INFO. SHARING INITIATIVE, DEP'T OF JUSTICE & DEP'T OF HOMELAND SEC., FUSION CENTER GUIDELINES: DEVELOPING AND SHARING INFORMATION AND INTELLIGENCE IN A NEW ERA 5 (2006) [hereinafter FUSION CENTER GUIDELINES].

² FED. EMERGENCY MGMT. AGENCY, PREPAREDNESS GRANTS MANUAL FEMA GRANT PROGRAMS DIRECTORATE A-6 (2020) [hereinafter GRANTS MANUAL]. *Requirements are derived from the link (<https://www.dhs.gov/homeland-security-grant-program-hsdp>) found on page A-6, but not specifically mentioned within the Grants Manual.*

³ GLOBAL JUSTICE INFO. SHARING INITIATIVE, DEP'T OF JUSTICE & DEP'T OF HOMELAND SEC., BASELINE CAPABILITIES FOR STATE AND MAJOR URBAN AREA FUSION CENTERS 27 (2008) [hereinafter BASELINE CAPABILITIES].

⁴ BASELINE CAPABILITIES, *supra* note 3, at 26.

⁵ FUSION CENTER GUIDELINES, *supra* note 1, at 5; GLOBAL JUSTICE INFO. SHARING INITIATIVE INTELLIGENCE WORKING GROUP (GIWG), DEP'T OF JUSTICE, THE NATIONAL CRIMINAL INTELLIGENCE SHARING PLAN 33 (2003) [hereinafter NCISP].

⁶ FUSION CENTER GUIDELINES, *supra* note 1, at 5; NCISP, *supra* note 5, at 25.

⁷ BASELINE CAPABILITIES, *supra* note 3, at 28.

⁸ PROGRAM MANAGER FOR THE INFO. SHARING ENVIRONMENT, GUIDELINES TO ENSURE THAT THE INFORMATION PRIVACY AND OTHER LEGAL RIGHTS OF AMERICANS ARE PROTECTED IN THE DEVELOPMENT AND USE OF THE INFORMATION SHARING ENVIRONMENT 4 (2006) [hereinafter ISE PRIVACY GUIDELINES].

⁹ *Id.* at 23.

¹⁰ FUSION CENTER PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES POLICY DEVELOPMENT TEMPLATE 9 (2019) [hereinafter TEMPLATE]; GLOBAL JUSTICE INFO. SHARING INITIATIVE, DEP'T OF JUSTICE & DEP'T OF HOMELAND SEC., PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES AUDIT GUIDANCE FOR THE STATE, LOCAL, TRIBAL, AND TERRITORIAL INTELLIGENCE COMPONENT 17, 22 (2015) [hereinafter AUDIT GUIDANCE].

¹¹ TEMPLATE, *supra* note 10, at 9.

¹² BASELINE CAPABILITIES, *supra* note 3, at 28.

¹³ ISE PRIVACY GUIDELINES, *supra* note 8, at 1.

¹⁴ BASELINE CAPABILITIES, *supra* note 3, at 16.

¹⁵ TEMPLATE, *supra* note 10, at 29.

¹⁶ *Id.* at 23.

¹⁷ BASELINE CAPABILITIES, *supra* note 3, at 28.

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¹⁸ *Id.*

¹⁹ *Id.* at 29.

²⁰ ISE PRIVACY GUIDELINES, *supra* note 8, at 2.

²¹ *Id.* at 4; For the nonintelligence community, protected information is information about United States citizens and lawful permanent residents that is subject to information privacy or other legal protections under the Constitution and laws of the United States. For the (federal) intelligence community, protected information includes information about "United States persons" as defined in Executive Order 12333. For SLTT governments, protected information may include information about individuals and organizations that is subject to information privacy or other legal protections by law, including the U.S. Constitution; applicable federal statutes and regulations, such as civil rights laws and 28 CFR Part 23; applicable state and tribal constitutions; and applicable state, local, tribal, and territorial laws, ordinances, and codes. TEMPLATE, *supra* note 10, at 41.

²² TEMPLATE, *supra* note 10, at 54-57.

²³ GLOBAL JUSTICE INFO. SHARING INITIATIVE, DEP'T OF JUSTICE & DEP'T OF HOMELAND SEC., ESTABLISHING A PRIVACY OFFICER FUNCTION WITHIN A JUSTICE OR PUBLIC SAFETY ENTITY 4 (2014) [hereinafter ESTABLISHING A PRIVACY OFFICER]; TEMPLATE, *supra* note 10, at 19; BASELINE CAPABILITIES, *supra* note 3, at 27; ISE PRIVACY GUIDELINES, *supra* note 8, at 6.

²⁴ TEMPLATE, *supra* note 10, at 32.

²⁵ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 4-5; BASELINE CAPABILITIES, *supra* note 3, at 27; ISE PRIVACY GUIDELINES, *supra* note 8, at 6.

²⁶ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 4; BASELINE CAPABILITIES, *supra* note 3, at 27.

²⁷ ISE PRIVACY GUIDELINES, *supra* note 8, at 3.

²⁸ TEMPLATE, *supra* note 10, at 9.

²⁹ FUSION CENTER GUIDELINES, *supra* note 1, at 6.

³⁰ BASELINE CAPABILITIES, *supra* note 3, at 40.

³¹ *Id.* at 20.

³² BASELINE CAPABILITIES, *supra* note 3, at 28.

³³ *Id.*

³⁴ TEMPLATE, *supra* note 10, at 11-14.

³⁵ *Id.* at 14-15.

³⁶ AUDIT GUIDANCE, *supra* note 10, at 17.

³⁷ TEMPLATE, *supra* note 10, at 24-29; AUDIT GUIDANCE, *supra* note 10, at 18.

³⁸ *Id.* at 21-22.

³⁹ *Id.* at 11.

⁴⁰ *Id.* at 29-30. See also, 28 C.F.R. § 83.

⁴¹ FUSION CENTER GUIDELINES, *supra* note 1, at 5.

⁴² TEMPLATE, *supra* note 10, at 15-16.

⁴³ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 4; TEMPLATE, *supra* note 10, at 9; BASELINE CAPABILITIES, *supra* note 3, at 27; ISE PRIVACY GUIDELINES, *supra* note 8, at 5.

⁴⁴ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5; TEMPLATE, *supra* note 10, at 9; BASELINE CAPABILITIES, *supra* note 3, at 27; ISE PRIVACY GUIDELINES, *supra* note 8, at 5.

⁴⁵ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5; TEMPLATE, *supra* note 10, at 9; BASELINE CAPABILITIES, *supra* note 3, at 27; ISE PRIVACY GUIDELINES, *supra* note 8, at 5.

⁴⁶ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5.

⁴⁷ BASELINE CAPABILITIES, *supra* note 3, at 28.

⁴⁸ ISE PRIVACY GUIDELINES, *supra* note 8, at 6.

⁴⁹ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 4.

⁵⁰ FUSION CENTER GUIDELINES, *supra* note 1, at 6.

⁵¹ TEMPLATE, *supra* note 10, at 17.

⁵² *Id.*

⁵³ *Id.* at 19-20.

⁵⁴ FUSION CENTER GUIDELINES, *supra* note 1, at 5; NCISP, *supra* note 5, at 25.

⁵⁵ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5.

⁵⁶ *Id.* at 4.

⁵⁷ *Id.* at 5.

⁵⁸ FUSION CENTER GUIDELINES, *supra* note 1, at 6.

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⁵⁹ BASELINE CAPABILITIES, *supra* note 3, at 27.

⁶⁰ TEMPLATE, *supra* note 10, at 11-14.

⁶¹ *Id.* at 15.

⁶² *Id.* at 10-11.

⁶³ *Id.* at 27-29.

⁶⁴ *Id.* at 27.

⁶⁵ *Id.*; AUDIT GUIDANCE, *supra* note 10, at 17-18.

⁶⁷ TEMPLATE, *supra* note 10, at 27-29; AUDIT GUIDANCE, *supra* note 10, at 17-18.

⁶⁸ BASELINE CAPABILITIES, *supra* note 3, at 24.

⁶⁹ *Id.* at 27-28.

⁷⁰ *Id.* at 28; AUDIT GUIDANCE, *supra* note 10, at 24.

⁷¹ *Id.* at 28-29; TEMPLATE, *supra* note 10, at 26.

⁷² BASELINE CAPABILITIES, *supra* note 3, at 29; AUDIT GUIDANCE, *supra* note 10, at 17.

⁷³ AUDIT GUIDANCE, *supra* note 10, at 24.

⁷⁴ TEMPLATE, *supra* note 10, at 18.

⁷⁵ *Id.* at 17-18.

⁷⁶ *Id.* at 13-14.

⁷⁷ AUDIT GUIDANCE, *supra* note 10, at 1-2.

⁷⁸ *Id.* at 6-7.

⁷⁹ *Id.* at 8-9.

⁸⁰ ISE PRIVACY GUIDELINES, *supra* note 8, at 4.

⁸¹ AUDIT GUIDANCE, *supra* note 10, at 10-13.

⁸² *Id.* at 14-15.

⁸³ *Id.* at 15.

⁸⁴ *Id.* at 29-30.

⁸⁵ ISE PRIVACY GUIDELINES, *supra* note 8, at 6.

⁸⁶ BASELINE CAPABILITIES, *supra* note 3, at 27.

⁸⁷ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 4.

⁸⁸ BASELINE CAPABILITIES, *supra* note 3, at 16.

⁸⁹ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5.

⁹⁰ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5; TEMPLATE, *supra* note 10, at 9-10.

⁹¹ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5; TEMPLATE, *supra* note 10, at 9.

⁹² ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5; TEMPLATE, *supra* note 10, at 9, 35; BASELINE CAPABILITIES, *supra* note 3, at 29; ISE PRIVACY GUIDELINES, *supra* note 8, at 4-5.

⁹³ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5; TEMPLATE, *supra* note 10, at 9, 35; BASELINE CAPABILITIES, *supra* note 3, at 29; ISE PRIVACY GUIDELINES, *supra* note 8, at 4-5.

⁹⁴ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 4.

⁹⁵ *Id.* at 5.

⁹⁶ FUSION CENTER GUIDELINES, *supra* note 1, at 21; NCISP, *supra* note 5, at 16.

⁹⁷ AUDIT GUIDANCE, *supra* note 10, at 4.

⁹⁸ BASELINE CAPABILITIES, *supra* note 3, at 29.

⁹⁹ *Id.*; AUDIT GUIDANCE, *supra* note 10, at 3.

¹⁰⁰ GRANTS MANUAL, *supra* note 2, at A-6*; GLOBAL JUSTICE INFO. SHARING INITIATIVE, DEP'T OF JUSTICE & DEP'T OF HOMELAND SEC., PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES COMPLIANCE VERIFICATION FOR THE INTELLIGENCE ENTERPRISE 4 (2010) *Requirements are derived from the link (<https://www.dhs.gov/homeland-security-grant-program-hsnp>) found on page A-6, but not specifically mentioned within the Grants Manual*.

¹⁰¹ AUDIT GUIDANCE, *supra* note 10, at 23, 26.

¹⁰² *Id.* at 25.

¹⁰³ *Id.* at 26.

¹⁰⁴ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5; TEMPLATE, *supra* note 10, at 31; ISE PRIVACY GUIDELINES, *supra* note 8, at 9.

¹⁰⁵ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5; TEMPLATE, *supra* note 10, at 31; ISE PRIVACY GUIDELINES, *supra* note 8, at 9; AUDIT GUIDANCE, *supra* note 10, at 3.

¹⁰⁶ TEMPLATE, *supra* note 10, at 18.

¹⁰⁷ ISE PRIVACY GUIDELINES, *supra* note 8, at 5.



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- ¹⁰⁸ TEMPLATE, *supra* note 10, at 23-24.
- ¹⁰⁹ BASELINE CAPABILITIES, *supra* note 3, at 29.
- ¹¹⁰ TEMPLATE, *supra* note 10, at 18.
- ¹¹¹ AUDIT GUIDANCE, *supra* note 10, at 18.
- ¹¹² ESTABLISHING A PRIVACY OFFICER, *supra* note 22, at 5; TEMPLATE, *supra* note 10, at 24-25.
- ¹¹³ ESTABLISHING A PRIVACY OFFICER, *supra* note 22, at 5; TEMPLATE, *supra* note 10, at 9, 24, 31.
- ¹¹⁴ ESTABLISHING A PRIVACY OFFICER, *supra* note 22, at 5; TEMPLATE, *supra* note 10, at 9, 24, 31.
- ¹¹⁵ TEMPLATE, *supra* note 10, at 24.
- ¹¹⁶ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5; TEMPLATE, *supra* note 10, at 9, 24, 31.
- ¹¹⁷ FUSION CENTER GUIDELINES, *supra* note 1, at 21; NCISP, *supra* note 5, at 12.
- ¹¹⁸ ISE PRIVACY GUIDELINES, *supra* note 8, at 5; AUDIT GUIDANCE, *supra* note 10, at 18.
- ¹¹⁹ ISE PRIVACY GUIDELINES, *supra* note 8, at 7.
- ¹²⁰ FUSION CENTER GUIDELINES, *supra* note 1, at 41.
- ¹²¹ BASELINE CAPABILITIES, *supra* note 3, at 29.
- ¹²² TEMPLATE, *supra* note 10, at 31-32; AUDIT GUIDANCE, *supra* note 10, at 3.
- ¹²³ BASELINE CAPABILITIES, *supra* note 3, at 31-32.
- ¹²⁴ FUSION CENTER GUIDELINES, *supra* note 1, at 21; NCISP, *supra* note 5, at 12.
- ¹²⁵ BASELINE CAPABILITIES, *supra* note 3, at 40.
- ¹²⁶ *Id.* at 29.
- ¹²⁷ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5; BASELINE CAPABILITIES, *supra* note 3, at 27.
- ¹²⁸ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5.
- ¹²⁹ ISE PRIVACY GUIDELINES, *supra* note 8, at 7.
- ¹³⁰ *Id.*
- ¹³¹ BASELINE CAPABILITIES, *supra* note 3, at 28.
- ¹³² *Id.*
- ¹³³ TEMPLATE, *supra* note 10, at 18.
- ¹³⁴ ISE PRIVACY GUIDELINES, *supra* note 8, at 6.
- ¹³⁵ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5; BASELINE CAPABILITIES, *supra* note 3, at 27; ISE PRIVACY GUIDELINES, *supra* note 8, at 6.
- ¹³⁶ BASELINE CAPABILITIES, *supra* note 3, at 28.
- ¹³⁷ ISE PRIVACY GUIDELINES, *supra* note 8, at 1.
- ¹³⁸ BASELINE CAPABILITIES, *supra* note 3, at 29.
- ¹³⁹ ESTABLISHING A PRIVACY OFFICER, *supra* note 22, at 4; TEMPLATE, *supra* note 10, at 9.
- ¹⁴⁰ BASELINE CAPABILITIES, *supra* note 3, at 19.
- ¹⁴¹ *Id.*
- ¹⁴² FUSION CENTER GUIDELINES, *supra* note 1, at 7.
- ¹⁴³ TEMPLATE, *supra* note 10, at 33.
- ¹⁴⁴ *Id.* at 33-34.
- ¹⁴⁵ GRANTS MANUAL, *supra* note 2, at A-6*; ISE PRIVACY GUIDELINES, *supra* note 8, at 4; AUDIT GUIDANCE, *supra* note 10, at 16 *Requirements are derived from the link (<https://www.dhs.gov/homeland-security-grant-program-hsdp>) found on page A-6, but not specifically mentioned within the Grants Manual*
- ¹⁴⁶ *Id.*
- ¹⁴⁷ FUSION CENTER GUIDELINES, *supra* note 1, at 7.
- ¹⁴⁸ TEMPLATE, *supra* note 10, at 19.
- ¹⁴⁹ AUDIT GUIDANCE, *supra* note 10, at 17.
- ¹⁵⁰ TEMPLATE, *supra* note 10, at 16.
- ¹⁵¹ AUDIT GUIDANCE, *supra* note 10, at 16.
- ¹⁵² GRANTS MANUAL, *supra* note 2, at A-6*; AUDIT GUIDANCE, *supra* note 10, at 16 *Requirements are derived from the link (<https://www.dhs.gov/homeland-security-grant-program-hsdp>) found on page A-6, but not specifically mentioned within the Grants Manual*
- ¹⁵³ FUSION CENTER GUIDELINES, *supra* note 1, at 19; NCISP, *supra* note 5, at 16.
- ¹⁵⁴ BASELINE CAPABILITIES, *supra* note 3, at 29.
- ¹⁵⁵ FUSION CENTER GUIDELINES, *supra* note 1, at 19; NCISP, *supra* note 5, at 15.
- ¹⁵⁶ TEMPLATE, *supra* note 10, at 34.
- ¹⁵⁷ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 5.



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¹⁵⁸ AUDIT GUIDANCE, *supra* note 10, at 17.

¹⁵⁹ GLOBAL JUSTICE INFO. SHARING INITIATIVE, DEVELOPING A POLICY ON THE USE OF SOCIAL MEDIA IN INTELLIGENCE AND INVESTIGATIVE ACTIVITIES GUIDANCE AND RECOMMENDATIONS 11 (2013).

¹⁶⁰ *Id.*

¹⁶¹ *See id.* at 21-27 for a summary of various relevant case law.

¹⁶² *Id.* at 12-13.

¹⁶³ *Id.* at 13-15.

¹⁶⁴ *Id.* at 15-16.

¹⁶⁵ *Id.* at 16-17.

¹⁶⁶ *Id.* at 17-18.

¹⁶⁷ *Id.* at 18.

¹⁶⁸ FUSION CENTER GUIDELINES, *supra* note 1, at 5.

¹⁶⁹ BASELINE CAPABILITIES, *supra* note 3, at 26.

¹⁷⁰ FUSION CENTER GUIDELINES, *supra* note 1, at 5; NCISP, *supra* note 5, at 33.

¹⁷¹ BASELINE CAPABILITIES, *supra* note 3, at 28.

¹⁷² *Id.* at 23.

¹⁷³ TEMPLATE, *supra* note 10, at 9.

¹⁷⁴ ESTABLISHING A PRIVACY OFFICER, *supra* note 23, at 4; TEMPLATE, *supra* note 10, at 9; BASELINE CAPABILITIES, *supra* note 3, at 27; ISE PRIVACY GUIDELINES, *supra* note 8, at 6.

¹⁷⁵ BASELINE CAPABILITIES, *supra* note 3, at 28.

¹⁷⁶ ISE PRIVACY GUIDELINES, *supra* note 8, at 1.