



ACLU Factsheet on Information Collection at the National Counterterrorism Center (NCTC)

On March 23, 2012, the Office of the Director of National Intelligence announced wide-ranging changes to the information collection practices of the National Counterterrorism Center (NCTC). The new NCTC Guidelines sweep away decades-long protections by allowing the military and intelligence agencies to target innocent Americans for collection.

Under the previous guidelines from 2008, the collection of non-terrorism related information about Americans was treated as a mistake, which NCTC had to identify and correct by purging such information from its databases within 180 days.

- Under the 2012 guidelines, NCTC can now collect, retain, and continually assess non-terrorism information on innocent Americans for up to five years.
- NCTC can now target any government database for bulk collection and keep all the information stored in it by asserting it is likely to contain “significant” terrorism information.

Once NCTC collects information it can be searched broadly, and could include searches about individuals who have no connection to terrorism.

- The Guidelines authorize controversial data mining techniques such as “pattern-based queries and analyses.”
- Reminiscent of the disbanded Total Information Awareness program (TIA), such searches have been thoroughly discredited. See National Academy of Sciences report, “Protecting Individual Privacy in the Struggle Against Terrorists: A Framework for Assessment” http://books.nap.edu/catalog.php?record_id=12452#toc

Non terrorism information on innocent Americans may also be shared widely.

- The 2012 Guidelines authorize sharing with not just federal, state, local or tribal law enforcement, but also foreign entities, or with an individual or entity not part of a government.

Oversight of these new authorities is limited largely to internal controls.

- Important oversight bodies such as Congress and the President’s Intelligence Oversight Board aren’t notified even of “significant” failures to comply with the Guidelines.

It’s wrong to let NCTC treat Americans as potential terrorists without evidence and without oversight. Holding private information about innocent people in intelligence databases for five years without any suspicion of wrongdoing creates an unacceptable risk to Americans’ privacy through error or abuse.

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